



THE
SEMINARY
OF MONTREAL.

THEIR RIGHTS AND TITLES.

ST. HYACINTHE:
COURRIER DE ST. HYACINTHE POWER PRESSES.

1880.

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MEMOIR.

For a number of years past, systematic attacks have been made against the Seminary of Montreal, concerning the Indians of the Lake of Two Mountains, lately known under the designation of the "Oka Indians."

Being ill advised, those Indians have claimed rights of proprietorship in the lands of the seignior of the Lake of Two Mountains, and in many instances, have attempted to constitute themselves as owners, by felling trees, and selling them and taking actual possession of land.

The Seminary, witnessing this usurpation of their vested rights, and having exhausted every means of conciliation, were compelled, for their own protection, to appeal to the Courts of Law and bring the offenders before them. Thereupon a howl was set up about intolerance and tyranny, and the Indians were prompted to petition the government.

Despite the unfavorable replies to their appeals, they were still goaded on until they finally set fire to the catholic church at Oka.

Parties were arrested by the police for the outrage, and after a preliminary examination, they were duly committed to stand their trial.

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Two trials were had without the jurors being able to agree.

The authorities decided that a third trial should take place at Aylmer, and, on the eve of the holding of the term, a pamphlet, written in the most virulent strain, was published and circulated, heaping insult and opprobrium on the Seminary. The gentlemen of the Seminary of St. Sulpice were therein charged with hypocrisy, tyranny, and the most unblushing bad faith, and doubts were cast upon the validity of their titles to the seigniory of the Lake of Two Mountains, and even to the seigniories of Montreal and St. Sulpice. The pamphlet in question was intituled: "A contribution to a proper understanding of the Oka question and a help to its equitable and speedy settlement."

The views of this pamphlet were endorsed by certain newspapers, and, at the present moment, it is in the hands of members of the Federal Parliament.

It is not our desire, in these pages, to intensify the acrimony of the discussion, but simply to place in the hands of an unbiassed public, protestant as well as catholic, the titles of the Seminary, the correspondence between the government and the Indians, that between the government and the Seminary, as well as certain opinions relative to the subject.

Those documents will be prefaced by an historical account of the Seminary's titles, and a *résumé* of the debated question.

I.

The estates of the Seminary of St. Sulpice comprise three seigniories, the seigniory of Montreal, that of St. Sulpice and that of the lake of Two Mountains.

In the years 1627 and 1628 "the company of the one hundred associates" also known as "the company of New France" was established, and the King confided to them the colony of New France "to people and colonize it."

A few years later, a certain number of gentlemen, in Paris, formed an association for the conversion of the Indians of the Island of Montreal. This latter is known in the history of the country as the "Company of Montreal." M. de Lauzon, a member of the Company of New France, having acquired from them the Island and seigniory of Montreal, transferred his rights therein to the "Company of Montreal" in March 1640.

For the purpose of making their title more secure, the "Company of Montreal," through the agency of two of their members, messieurs Pierre Chevrier, sieur de Faucamp and Hierosme LeRoy, sieur de la Dauversière, obtained a direct transfer and concession from the "Company of New France" of the greater part of the Island of Montreal, which they had just acquired from M. de Lauzon.

The last mentioned deed is transcribed in full on the 20th page of the first volume of our Edicts and Ordinances [Edition of 1855], and is dated 17th of December 1640. It is couched in the most comprehensive terms, and reads as follows: "To enjoy, by the said sieurs Chevrier and LeRoy, their succes-

"sors and assigns, the said things to them conceded" "in all proprietorship, justice and seigniorly forever."

This deed of 1640 was ratified by the King in favor of sieurs Chevrier and LeRoy and their associates, on the 13th of February 1644, as follows: "And it is our pleasure that they do enjoy fully and peaceably forever the said concessions."

The foregoing ratification may be found at page 24 of the first vol. of our Edicts and Ordinances, Edition above referred to.

A portion of the Island of Montreal, which the "Company of New France" had reserved for themselves by anterior deeds, was transferred by them to the "Company of Montreal," under the same clauses and conditions as those set forth in the first transfer, in 1640.

This second transfer is also printed in the first vol. of our Edicts and Ordinances, at pages 29 and 30 of the same edition.

The "Company of Montreal," on the 9th of march 1663, gave to the Seminary of St. Sulpice the Island of Montreal by deed of donation.

As it is fully set forth in the preamble of that deed, it was in consideration of "the great blessings it has pleased God to shower upon the said Island of Montreal for the conversion of the Indians, the instruction and edification of the French Inhabitants thereof, through the ministry of the late Messieurs Ollier, de la Marguerie, de Ranty and other associates, laboring for the past twenty years" and because "the gentlemen of the Seminary of St. Sulpice have labored, by their care and their zeal, to maintain this good work, have exposed their persons and ma-

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"de heavy contributions for the good of the colony," that the members of the company of Montreal made gift to the gentlemen of the Seminary of St. Sulpice, at Paris, of "all the rights of property which they have "and may have in the said Island of Montreal, to "enjoy and dispose of the same, as incommutable "proprietors, according to their good will and pleasure," and it is added "the domain and proprietorship of the said Island shall be inseparably united "to the said Seminary, and shall not be separated therefrom under any circumstances whatsoever." (Edicts and Ordinances, vol. first, page 93, same edition.)

Such are the titles of the Seminary to the seigniories of Montreal and St. Sulpice.

The conversion of the Indians in New France was one of the motives that induced the making of those concessions, but they were likewise made as a reward for the personal sacrifices of the members of the institution, and in consideration of the heavy contributions made by that institution, for the benefit of the colony.

The preamble of the donation of 1663 points to the efforts of the Seminary, laboring for the instruction of the French settlers as well as that of the Indians. It was to enable them to continue all those labors that the donation was made, the property transferred, and the proprietorship vested in them in the fullest acceptance of the term. The words used in the deeds, as shown by the quotations already made, are so clear and precise as to admit of no two interpretations.

To reach their ends more easily, and to enable them to carry out the good work they had in view for the colony, the gentlemen of the Seminary of St.

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Sulpice, at Paris, solicited from the king, letters authorizing the establishment of a community of Sulpicians at Montreal.

By letters patent dated march 1677, the king granted their request and allowed the establishment of a community of Sulpicians at Montreal "there to labor "for the conversion and instruction of our subjects," making no distinction between Frenchmen and Indians, and to promote the establishment, the king approved of the donation of the 9th of march 1663, declaring "to be held in mortmain forever the said "land and seigniory of Montreal, as dedicated and "consecrated to God," desiring "that it be forever "part and parcel of their society."

Those letters patent are published at pages 91 and 92 of vol. I of our Edicts and Ordinances [same edition].

For the religious benefit of the Indians, the Sulpicians had established at Montreal a mission. The Indians were in the habit of pitching their tents, at certain fixed periods of the year, around the fort of Montreal which protected them against their enemies, and there received religious instruction at the hands of the gentlemen of St. Sulpice.

In the annals of that period, we read that the Indians became perverted by their association with the whites. Drunkenness had become a terrible vice amongst them, and in a spirit of charity towards them, the community at Montreal had to remove their mission to Sault-au-Recollet, about six miles from the town. There they continued to minister to the Indians who, nevertheless, were still in too close proximity to the white population and were still addicted to the immoderate use of intoxicating liquors.

Therefore, in 1716, the Seminary requested the king to change the mission. This change was resolved upon in the same year, and messieurs de Vaudreuil and Begon, the governor and the intendant, were commanded " to grant to the Seminary three square leagues of land adjoining the lands granted to monsieur Duguay, and ascending along the Lakes of the Two Mountains, half a league of land by three leagues in depth, for the missionaries, on condition that when such lands would be abandoned by those Indians, the same should revert to His Majesty.

" Mr. de Vaudreuil, in answer, remarked that the superior of the Seminary of Montreal had represented to him that the change of the mission would cost more than 20,000 francs, because, in addition to the house of the ecclesiastics, it was necessary to build a church and a stone fort, and that they could never be indemnified for those expenses, except by the proprietorship of such land and seigniorly forever; and that it seemed to him just to grant such favor, the change of the mission being very advantageous to the colony, for such change would protect against the incursions of the other Indians, the northern side which was unprotected.

" The matter having been placed before monsieur le Régent on the 4th of february 1717, H. R. H. decided that such concession must be granted forever to this Seminary, on condition that they do build the church and fort according to the plans which would be furnished to them and approved of by Messrs. de Vaudreuil and Begon, and that such buildings be completed within two years.

" In consequence, the deed of concession was for-

"warded by messieurs de Vaudreuil and Begon on the
 "17th october 1717 and confirmed by the King on
 "the 27th april 1718, on condition that the church
 "and the stone fort be built within seven years."

The above extract is taken *verbatim* from an arrêt, dated the 24th march 1721, signed by "L. A. de Bourbon," to be found in the manuscripts of the Dominion Parliamentary Library, 3rd series, vol. 3.

On reference to the ratification by the King, dated 27th of april 1718, it will be seen that the absolute proprietorship was granted "to have and to hold the
 "same forever unto the said sieurs ecclesiastics, their
 "successors and assigns, *even if the said mission be
 "taken away from thence, in full property under the
 "title of fief and seigniory with the right of superior,
 "mean and inferior jurisdiction.*"

The deed of grant as well as the ratification by the King imposed upon the Seminary the obligation of conceding lands at the rate of 20 sous and one *chapon* per acre frontage with a *cens* of 6 pence [deniers].

Later, on the 26th of september 1733, a new grant of land, adjoining that above mentioned, was made to the Seminary by the King: "To have and to hold
 "the said ecclesiastics, their successors and assigns
 "forever, as a fief and seigniory with the right of superior, mean and inferior jurisdiction."

At the time of the ratification, in 1735, of the grant of 1733, the Seminary, having made representation to the King, that the transfer of the mission from Sault-au-Recollet to the Lake of Two Mountains, the erection of the church, the presbytery and the wooden fort, had involved them in an expenditure of money, exceeding the value of the grant of 1733, and of that

of 1718, and that the burden of erecting the stone fort which they had undertaken by the deed of 1718 was too great, [more especially as there was no longer a necessity for the fort in question], made application for an additional grant of lands and prayed to be relieved from the obligation of erecting the stone fort.

Viewing these representations favorably, the king added to his grant a certain extent of land : " To have and to hold in full property and seigniory as well " as the old land mentioned in the first concession," and exempted them from building the fort.

Such are the titles of the Seminary to the seigniory of the Lake of Two Mountains. The terms used are, to say the least, as formal, clear and unmis- takeable as those used in the titles and deeds of the seigniories of Montreal and of St. Sulpice.

With reference to the seigniory of the Lake of Two Mountains, we have something more, it is the edict of 1721, establishing that the very right of proprietorship was discussed. In the first instance, it was not intended to be granted, but later on, it was fully granted in the most comprehensive terms, and in all probability, it was due to that discussion that the words *even if the said mission be taken away from thence* were inserted in the deed.

It would be labor lost to look for the rights of the Indians in any of those grants.

No doubt, that the Indians profited by the concessions made to the Seminary and that the mission of the Lake of Two Mountains afforded them immense advantages.

The grant however, was made to the Seminary

and to them alone, for the benefit and for the promotion of their undertakings. This can be ascertained in the most satisfactory manner on reference to the preambles of the different titles and edicts above quoted.

It was in order "to second the pious design of the " said gentlemen of the Seminary, and in acknowledgement of services by them rendered," that the deed of gift of the 9th march 1663 was made.

It was with a desire of being "propitious to the " ecclesiastics of the Seminary of St. Sulpice, established in Paris, from whom those of the Seminary " of St. Sulpice established at Montreal, proceed," that the King has, on the 27th of april 1718, ratified the concession of the 17th october 1717. It was also in order to be "propitious towards the said ecclesiastics of Paris," that he has, on the 1st march 1735, ratified the concession of the 27th april 1733.

The wording of the foregoing evidences the palpable intention of granting to the Seminary and to them only.

Moreover, these lands and Seigniories are not held by the Seminary under gratuitous title. The author of the pamphlet referred to (page 20), takes exception to the statement made by M. Baile, present superior of the Seminary, in answer to an inquiry by the government, that the grant of the seigniority of the lake of Two Mountains had been made [à titre onéreux].

May we not refer to the language of Mr. de Vaudreuil in the edict of 1721, asserting : " That the superior of the Seminary had represented to him that " the change of this mission would cost more than " 20,000 francs, and that they [the Sulpicians] could " never be indemnified for those expenses, except by

" the proprietorship of such land and seigniority for-
 " ever" and that " it seemed to him just to grant such
 " favor."

Mr. de Vaudreuil established thereby the truth of
 the statement made by the superior of the Seminary.

Have we not clearly shown that it was to indem-
 nify the gentlemen of the Seminary, for the expen-
 diture made by them till that date, that the King, by
 his edict of 1735, added a new grant to the preceding
 ones ?

M. Baile was therefore justified, basing his state-
 ment on those titles, in asserting that the seigniority of
 the lake of Two Mountains had been granted to the
 Sulpicians *à titre onéreux*. And further, the seigniories
 of Montreal and St. Sulpice which had been originally
 deeded to the Seminary in 1663 by donation to the
 company of New France, were subsequently in 1693
 confirmed *à titre onéreux* in favor of the gentlemen
 of the Seminary.

We read in the Letters Patent, under the form of
 an Edict, concerning the justice of the Island of Mont-
 real and côte St. Sulpice, to be found at page 342
 of the 1st vol. of our Edicts and Ordinances :

" We have moreover confirmed, and by these pre-
 " sents do confirm, *à titre onéreux*, in consideration of
 " the indemnity which might be due to the said eccle-
 " siastics, for what they have abandoned to us in their
 " seigniority of Montreal, and côte Saint Sulpice, and
 " other considerations hereinbefore explained, consti-
 " tute in mortmain what we have granted to them by
 " our letters patent of the month of May 1677 of the
 " said Island of Montreal, land at present known
 " as côte Saint Sulpice, islets, courcelles and depen-
 " dencies which then belonged to them without never¹

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"theles, by reason of the said constitution of mortmain, nor of rights of exchange (droits d'échange), that their being held in future, to pay us, nor to any of the Kings, our successors, any monies, indemnity, nor any rights, nor [homme vivant et mourant.]"

The authorities, in those days, were in a position to verify, and undoubtedly must have verified the facts set forth in the edicts, and it is scarcely becoming now, after the lapse of 150 or 200 years, to challenge the truth of assertions contained in documents bearing the signature of the king.

Previous to the conquest, the right of proprietorship of the gentlemen of the Seminary in those seigniories, was never disputed, and no one ever dreamt of pretending that the Indians held any rights therein.

II.

In 1760, at the date of the conquest, articles of capitulation were signed by the marquis de Vaudreuil, governor of Canada representing the King of France, and by general Amherst, on behalf of the King of England.

The articles were, in the first instance, drafted by the marquis de Vaudreuil, and submitted by him to general Amherst, who, opposite to each article, wrote his acceptance or refusal of the same. Nevertheless, he reserved certain articles for submission to the approval of the King of England.

Under the capitulation, as agreed to, french subjects were allowed to retain possession of their lands, if they remained in the country, or to sell them and carry

with them the proceeds, if they chose to return to France.

There were different opinions with reference to the effect of the capitulation, as regards the lands of the Seminary. Some contended that those lands had become vested in the Crown, and amongst their number, was Doctor Marriott, attorney general for the Province of Quebec at London, England, who, in reply to a query from the British Government, took that view of the question in 1773. In 1804, Judge Sewell gave a similar opinion, and in 1828, Sir James Stuart expressed himself in the same sense.

Others held that the lands of the Seminary of St. Sulpice had remained vested in the Seminary of Montreal. Mr. Dupin, the celebrated french jurist, was of that opinion along with eleven of his confrères, all men of eminence in the profession, and at the present time, we have the opinion of messieurs Langevin, Laflamme and Badgley, supporting this view. The opinion of the two gentlemen last mentioned will be found in the appendix, that of Mr. Laflamme at page 102, and that of judge Badgley at page 129.

Article 35 of the capitulation conceded in express terms to the priests of the Seminary of St. Sulpice "leave to sell, in whole or in part, the estates and moveables which they possess in the colony, either to the French or to the English, without the least hindrance or obstacle from the British Government" with power "to take with them or send to France the produce of what naturesoever it be, of the said goods sold."

The following are the terms in which general Amherst granted the article in question: "They shall

"be masters to dispose of their estates and to send the produce thereof, as well as their persons and all that belongs to them to France." [To be found in a collection of the acts passed in the parliament of Great Britain and of other public acts relative to Canada, published under authority at Quebec, in 1824.]

The author of the Oka pamphlet is therefore beside the truth, when he asserts, in his appendix, note A, page 76, after having quoted article 35: "This article was refused until the king's consent should be obtained."

What he there states is in direct contradiction with his former assertion, at page 4th of his pamphlet, when he says: "Then it was sought by the marquis de Vaudreuil that the Sulpicians with the Recollets and the Jesuits should have leave to sell in whole or in part the estates and moveables which they possessed in Canada, and take or send the produce thereof to France. This permission, therefore, was formulated by the marquis, and being agreed to by Lord Amherst, the English plenipotentiary, was introduced as an article of the treaty of capitulation. It however was disallowed by the British Government and never became legalized," and he repeats the last assertion in nearly the same terms, at page 29.

Both assertions are false, for the British government never disallowed the article of the capitulation referred to.

Article 35 was, by implication, confirmed by the 4th article of the treaty of peace of 1763 which granted to all the subjects of the King of France, leave to sell their estates and to take with them the proceeds, provided such sales were effected within eighteen

months from the date of the treaty, which delay expired in the month of August 1764.

The treaty was signed on the 10th of February 1763. On the 4th of November of the same year, the military court, presided over by Ralph Burton, governor of Montreal, recognized the rights of proprietorship of the Seminary, by maintaining an action they had instituted against one Vanderheyden, revindicating a lot of land in the seigniory of the lake of Two Mountains, that he had purchased from an Indian.

That judgment has not, it is true, the full force of a legal enactment, but having been pronounced during the very year of the making of the treaty and within three years of the capitulation, it may be considered in the light of an expression of the opinion entertained in those days, and as expressing the interpretation then given to the articles of the capitulation and treaty.

The Seminary of St. Sulpice might have sold their estates under the authority of article 35 of the capitulation, and have carried off the proceeds. The difficulty arose from the fact that, instead of selling to third parties, they made a donation of their estates to the Seminary of Montreal. This donation is dated the 27th april 1764.

Dr. Marriott, chief justice Sewell, and Sir James Stuart held that the Seminary of St. Sulpice had not the right to divest themselves of their property in favor of certain members of their community, because one cannot give to one self, and that, having thus failed, within the prescribed delay, to dispose of their estates, they could not claim the benefit of article 35 of the capitulation.

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One of them even went beyond that, and stated that article 35 is overridden by the common law which vested the estates of the Seminary in the King of England at the time of the conquest, inasmuch, as at that time, the corporation of the Seminary of St. Sulpice did not exist in the country, but was confined to France, where the head establishment was situated. The french lawyers with judge Badgley, messrs. Langevin and Laflamme, were of opinion that the deed of donation of the 27th of april 1764 was legal, and moreover, by the very fact of the existence in the country of the Seminary of Montreal, that Seminary remained the only proprietors of the estates of St. Sulpice.

Whatever may be thought of the opinions given, it would seem that the donation in question was made after consultation with the court of England. Lord Halifax, secretary of the colonies in 1764, states to the french ambassador in London, that " although the King of England, had bound himself by the treaty to allow the free exercise of the Roman Catholic religion in Canada, according to the law of England, it did not follow that estates situated in Canada might continue to belong to Frenchmen living in France and subjects of the King of France, that His British Majesty consents that the priests of the Seminary of Montreal do continue to enjoy them, but without any dependency from the Seminary of Paris."

Those words were quoted by the marquis of Normandy in a speech delivered in the House of Lords, on the 15th may 1841, concerning the ordinance of 1840, confirming the titles of the Seminary of Montreal, and

the quotation may be found at page 725 of the Mirror of Parliament, Vol. XXI.

It was in conformity with that intimation of the wish of the King of England, that the deed of donation was effected, and the Seminary of Montreal became absolutely independent of that of Paris.

Doctor Marriott gave his opinion in 1773. Taking his own admission, made at the bar of the House of Commons, relative to the Quebec act of 1774, he can hardly be considered as being competent to speak as to the validity of titles under the french law. The following questions were put to him by Mr. Mackworth, one of the members of the House."

" Q. Does he " [Dr. Marriott] " think that the Canadians would choose the system of the English law or the French law ?

" A. I do not know a single Canadian and never was in Canada.

" Q. Does he know anything of the state of Canada ?

" A. What I know is from such papers as have been laid before me by order of the King in Council, and by information of other persons."

The examination was continued by captain Phipps.

" Q. I desire to ask if he understands the french law ?

" A. I find it very difficult to understand any law.

" Q. Does he know the power of the french King under the constitution of the french law ?

" A. I do not well understand the constitution of France. I never was in France."

M. Baker then puts the following questions.

" Q. I would ask the gentleman at the bar if ever

" he has read anything of the law of France ? I believe he has read a great deal.

" A. I have read little of the french law.

" Q. Does he understand it ?

" A. Not the style of it, nor its forms very well.

" Q. Did he ever see any system of the french law in Canada ?

" A. I have read a collection of french laws which contains by way of abstract the laws and usages of that province, founded on the laws of the *prévôté* of Paris, and it also contains several ordinances of police and *arrêts* of the French King.

" Q. Does he understand them ?

" A. Some part of them, the law language is difficult."

[Parliamentary History of England, Vol. XVII, col. 1377 and following.]

It is perfectly evident that Dr. Marriott had but a very meagre knowledge of the position or rights of the Seminary in Canada. His ignorance of french law must have been a great drawback to him in the appreciation he had been called upon to make.

At all events, according to his views, expressed in 1773, the estates of the Seminary should revert to the Crown, and yet, by the Quebec act, passed the following year 1774, it did not arrogate to itself the right which, under his opinion, it could have exercised.

The writer of the Oka pamphlet lays great stress on the 8th clause of the act of 1774 which reads as follows : " That all H. M. Canadian subjects within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with

“all customs and usages relative thereto and all other
 “their civil rights, in as large, ample and beneficial
 “manner as if the said proclamation, commission,
 “ordinances and other acts and instruments had not
 “been made, and as may consist with their allegiance
 “to H. M., and subjection to the Crown and Parlia-
 “ment of Great Britain.”

“To read the discussion on the above bill,” says
 the pamphleteer, page 6, “in its passage in both the
 “Lords and Commons, as given in the Pictorial His-
 “tory of England would show to every doubting
 “mind that it was with the most determined purpose,
 “the exception against the regulars was made, and
 “not, by any means, was it an oversight or uninten-
 “tional circumstance, as the Sulpicians have endea-
 “voured in their *memoire* of the titles of the Seminary,
 “to show.”

True, in reference to the Hansard and the Pictorial
 History of England, there is no doubt but that a long
 debate took place in the House of Lords and Com-
 mons relative to this bill (see Parliamentary History
 of England, Vol. XVII, from column 1377 to column
 1400, and from column 1402 to column 1407), (see
 also Pictorial History of England, Vol. V, page 165
 and following), but no discussion took place relative
 to this exception as to the regulars. The debate took
 place over other points, and the assertion of the
 author of the pamphlet bears evidence of error.

It is difficult to believe that, by that clause, the Par-
 liament of England intended to dispossess all commu-
 nities and religious orders of estates, the proprietorship
 of which had been secured to them in express terms
 by article 34th of the capitulation, which reads as

follows : " All the communities and all the priests shall
 " preserve their moveables the property and revenues
 " of the seigniories and other estates which they
 " possess in the colony, of nature whatsoever they be,
 " and the same estates shall be preserved in their
 " privileges, rights, honors and exemptions."

Many persons interpret differently from the author of the Oka pamphlet, clause 8 of the act of 1774. A proclamation of the King for the provisional government of the colony had been published in the year 1763. Ordinances had been promulgated concerning the rights of the inhabitants of Canada. Clause 8 of the act of 1774 annuls that proclamation, and those ordinances, as regards Canadian subjects, leaving the communities and religious orders under their provisions.

Our purpose being simply to give a recital of the difficulties which have been suscitated, we shall not enter into the discussion of those opinions. We shall merely observe that attorney general Thurlow whose name is mentioned at page 5 of the Oka pamphlet as having expressed an opinion adverse to the Seminary, was in the House at the time of the passing of the Bill of 1774, and that he "reminded the
 " House that the definitive treaty of peace was made
 " in favor of property in Canada, made in favor of the
 " Catholic religion, and even, in favor of the several
 " religious Orders." [Pictorial History of England, Vol. V, page 167.]

That gentleman was still in office in 1775, and we find in the royal instructions furnished during that year to Governor Guy Carleton : " That the societies
 " of the Romish priests called Seminaries in Quebec

" and Montreal should continue to possess and occupy their houses of residence and all other lands and houses to which they were lawfully entitled on the 13th september 1759." (Mirror of Parliament, Vol. XXI, p. 545.)

The English commission appointed in 1836, and to which we shall refer hereafter, interpreted those instructions thus : " New instructions were given to the Governor of Canada on the 3rd of january 1775 in consequence of the passing of the Quebec act in the preceding year ; the 21st section related to the exercise of the Roman catholic religion and by the eleventh head of it, it was directed that the Seminaries of Quebec and Montreal should remain in possession of all houses and lands of which they were in possession on the 13th september 1759." (Mirror of Parliament, Vol. XXI, p. 545.)

Evidently, the british government, as we can judge by the foregoing quotations, gave a very different interpretation to the act of 1774 from that advanced by the author of the pamphlet.

It is not our intention to discuss the question, whether those instructions amounted to an acknowledgement of the rights of the Seminary. Our object is merely to point out that, from that date, the Seminary remained in possession of their estates, with the full assent and concurrence of the Crown of England.

General Haldimand, governor of Canada in 1781, deemed that he was following out his instructions by receiving during that year, for the purpose of making their act of *fealty and homage*, the Sulpicians of Montreal, as seigniors of Montreal, of St. Sulpice and of the Lake of Two Mountains.

The author of this pamphlet, at page 12, gives quotations to establish that acts of "*fealty and homage*" accepted by a governor of Canada, could not bind the Crown of England. This question has undergone considerable discussion.

Certain it is, however, that the fact referred to proves conclusively that, at the period mentioned, the Seminary were still in possession of their estates with the assent of the colonial authorities.

The government paid, during over 30 years, the rent of the *greffe* at Montreal to the Seminary, and made them appoint the clerk.

To understand the importance of these acts, it should not be forgotten that, by an edict of the month of march 1693, the King of France had, with the consent of the Sulpicians, deprived them of the exercise of what was known as the superior, mean and inferior jurisdiction, to establish a royal tribunal in Montreal; and in order to indemnify the Seminary, the King granted to them forever "the proprietorship of the "*greffe* of the newly established court of justice to be "performed by competent persons who shall be accepted by the Royal Judge, upon presentation by the said "ecclesiastics, and to whom, upon such presentation, "all necessary commissions shall be forwarded, [Edicts "and Ordinances, Vol. 1, page 276.]

Therefore, to have leased the *greffe* belonging to the Seminary, as the colonial government did, and to have made them appoint the clerk, was to assent to their enjoyment of their estates, and the exercise of their rights of proprietorship.

At the beginning of the the present century, as we have already stated, Judge Sewell gave an opinion

adverse to the strict legal rights of the Seminary ; and having become chief justice, rendered a judgment declaring that they held their estates under a precarious title.

That opinion and judgment occasioned the consultation with the french lawyers in 1819, and the subsequent one with M. Dupin in the year 1826.

It is contended in the pamphlet that the law officers of the Crown, in England, were uniformly of opinion that the Seminary had no title, and that their estates belonged to the Crown, and that, anterior to the Ordinance of 1840, the Crown of England had never acknowledged nor ratified the rights of the Seminary.

We do not propose to enter into details, nor to refer to the instructions forwarded to the Governors of Lower-Canada.

That question was thoroughly investigated in 1836 by the special Commission appointed by the British Government to inquire into the grievances of the Canadians, and it seems reasonable that the public, here, should be satisfied with the result of the labors of that Commission and the conclusions they arrived at, as the English government was. The members of the Commission were Lord Gosford, Sir Edward Grey and George Gipps.

We give the exact text of the report of the commissioners : " Whether or not the legal title be in the Seminary, the King has done numerous acts which would render it very derogatory to the honor of the Crown to contest it, except for the attainment of some great public good which could not be gained by any other means. We do not wish to assert

" that the Crown has or has not the right, but only
 " that it has constantly pursued a course implying
 " that the right would not be claimed. We do not
 " say, for instance, that the deed of gift in 1764 was
 " valid, but at least that there is every reason to be-
 " lieve that the King, by his ministers, encouraged the
 " execution of it. We will not undertake to assert
 " that the Seminary has legally preserved its corporate
 " character, but we maintain that the King has done
 " all in his power, by his permission from time to time,
 " to introduce new members, and by his royal instruc-
 " tions to Sir Guy Carleton, to show that His Majesty,
 " as far as was within his competence, has confirmed
 " to them their distinct existence. Nay, even as
 " regards the main question itself of the possession
 " of the houses and lands, the King has, by the same
 " Royal instructions, [continued as they are to the
 " present day], commanded that the ecclesiastics shall
 " retain their property. Now, we shall not undertake,
 " in a report of the present nature, to pronounce a
 " conclusion on such complicated points of law, muni-
 " cipal and national as have been raised in this matter,
 " but we do say that, after seventy years uninterrupted
 " possession under the British Crown, confirmed by so
 " uniform a succession of acts tending to its recogni-
 " tion, to enter upon a long and perhaps doubtful legal
 " contest, capable as we have seen, of being protracted
 " by a multiplicity of arguments on both sides, could
 " never be justified, except for the sake of some great
 " public good not to be compassed by any other
 " means."

[Fifth report of the Commissioners appointed to
 inquire into the grievances complained of in Lower

Canada. Official edition ordered by the House of Commons to be printed on the 20th february 1837, p. 147.]

After reading the above, one can hardly explain what is said by the pamphleteer p. 30: "In 1836, the "subject was referred to certain commissioners of "inquiry who all agreed in declaring that the Sulpicians had not a valid title to the estates, that they "were not proprietors of them, that the Crown could "recover them through the courts, and that, even without a process, that so clear was the right of the "Crown to these properties that they could proceed "at once to relegate them to the Crown domain."

The commissioners laid great stress on the 34th article of the capitulation already quoted, granting to all communities the privilege of holding their estates, and on the Royal instructions of 1775 also quoted above, as enabling them to arrive at the conclusion of the equitable rights of the Seminary.

It was subsequent to the report of that commission, that Lord Colborne drafted and presented, in the year 1839, the first ordinance confirming the rights of the Seminary, known as cap. 50 of the 2 Vic.

The pamphleteer, at page 31, permits himself to insinuate with a baseness as false as it is perfidious that the Ordinance of 1839 was the reward of treachery. We will not deign to reply, but simply refer to history as the best indication of the loyalty of the Seminary during the troubles of 1837. The feeling that they performed their duty then, and the approbation bestowed upon their conduct, more than counterbalance the gratuitous insult which has been flung at them. He speaks of treachery, why not appeal to those whom he insinuates were betrayed, to the French

Canadians who fought against England? Many of the men of that day are still alive, and we unhesitatingly assert that not one of their number could be induced to come forward and vouch for the treachery of the Seminary. Can the author of the pamphlet have measured the full extent of his assertion, when he penned those lines, in which he virtually accuses his government, aye! even his Queen, of having participated in a wretched act of treachery, by paying its price.

Deeper research would have afforded the pamphleteer an opportunity of discovering that Mr. Buller, subsequent to the report of the commission of 1836, entered into an arrangement on which was based the ordinance of 1839, which had been suggested in the report.

It was, in the words of the report of the commission, because it would have been derogatory to the honor of the Crown to contest the titles of the Seminary, that those titles were confirmed. The question of a definite settlement of the rights of the Seminary was raised, investigated and determined at that time, because in the interest of Montreal, and to prevent the retarding of its progress, it was becoming a necessity to change the tenure of lands in the city.

The latter reform had been agitated during a considerable period, and in order to give it effect, it was necessary either to declare the estates of the Seminary Crown property, or to recognize in a formal manner their rights, and authorize them to change the tenure of their lands.

The British Government accepted the latter alternative as being the only honorable and just course to

pursue. Such were the motives that induced the passing of the ordinance of 1839, for which, in 1840, another ordinance to the same effect was substituted. (3 and 4 Vict., cap. 30.)

The pamphlet referred to erroneously mentions the latter ordinance as having been passed in 1841, giving it as the 42 cap of the 3 and 4 Vict.

The writer in that pamphlet attempts to draw a great distinction between those two ordinances. According to his views, the first ordinance which was entirely in favor of the Seminary, declaring them "the absolute owners of the estates in question and thus cutting off the Indians' rights of which the Government would not listen to" [page 32], was disallowed in England, and the second into which had been inserted clauses altogether favorable to the Indians, was substituted in its stead and forced upon the Seminary.

In this, the author betrays a painful ignorance of the history of our legislation, combined with great absence of reflexion.

The first ordinance was passed by the Governor and council, in 1839, under the authority of "an act to make temporary provisions for the Government of Lower Canada" (1st Vic, cap 9). As the heading shows, that law was only a temporary enactment, and gave the Governor in council the mere right of passing temporary ordinances (sec 3.)

The ordinance relative to the Seminary, passed during that year, embodies a provision in the final clause, to the effect that the said ordinance shall have no force or effect, unless and until it shall be sanctioned and rendered perpetual by an act of the Parlia-

ment of the United Kingdom of Great Britain and Ireland, or by other legislative authority competent to do so. To say, therefore, that the said ordinance was disallowed, is to make an historical error. No act of the British Parliament was passed to make it law, but on the 7th of August 1839, an Imperial act was sanctioned, intituled : "An act to amend an act of the last session of Parliament for making temporary provision for the government of Lower Canada," by which the governor in council was authorized to pass permanent ordinances. The 4th clause of the last mentioned act anticipated the ordinance of 1840 relative to the Seminary, since it prohibited the passing of any law changing the land tenure in the Province of Quebec, save and except the tenure of the estates of St. Sulpice of Montreal.

It was under the authority of that act of the British Parliament, that the ordinance of 1840 became law.

Both ordinances agree in what concerns the confirmation of the titles of the Seminary. They bear the same title "An ordinance to incorporate the Ecclesiastics of the Seminary of St. Sulpice of Montreal, to confirm their title to the Fief and seignior of the Island of Montreal, the Fief and seignior of the Lake of the Two Mountains, and the Fief and seignior of St. Sulpice, in this province ; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said Fief and seignories, and for other purposes."

The preamble of the second ordinance is an exact copy of the preamble of the first. In both, the titles are "absolutely confirmed, under and subject to the terms provisoes, conditions and limitations hereinafter contained and expressed."

Both were enacted "of the own mere will and
 "proper motion of Her Majesty" and both were
 "fully and formally agreed to and accepted by the
 "ecclesiastics of the said Seminary of St. Sul-
 "pice of Montreal."

See preamble and sec. first of the two ordinances.

In both we find that the Seminary is vested "as the
 "true and lawful owners and proprietors of the same,
 "and of every parcel thereof, to the only use
 "and benefit and behoof of the said Seminary or cor-
 "poration, and their successors forever, for the pur-
 "poses aforesaid, and according to their rules and
 "regulations, now being or hereafter to be in force."

See clauses 1 and 2 of the ordinance of 1839 and
 1, 2, 3 of that of 1840.

We repeat, in so far as concerns the titles of the
 Seminary and their rights as proprietors, one ordinance
 is a transcript of the other.

But, says the pamphleteer, there is this important
 difference: by the ordinance of 1840, the Seminary is
 restricted in the expenditure of its funds to the fol-
 lowing purposes: "the cure of the souls within the
 "parish (*la desserte de la paroisse*) of Montreal; the
 "mission of the Lake of the Two Mountains, for the
 "instruction and spiritual care of the Algonquin and
 "Iroquois Indians; the support of the *Petit Sémi-*
 "*naire* or college at Montreal; the support of schools
 "for children within the parish of Montreal; the sup-
 "port of the poor, invalids and orphans; the suffi-
 "cient support and maintenance of the members of
 "the corporation, its officers and servants, and the
 "support of such other religious, charitable and edu-

"cational institutions as may, from time to time, be approved and sanctioned by the governor, lieutenant governor, or person administering the government of the province, for the time being, and to or for no other objects, purposes or intents whatsoever."

That restriction is not to be found in the ordinance of 1839, adds the author of the pamphlet, and it was imposed upon the Seminary. We have already stated such a method of reasoning betrays great lack of judgment. From the pamphleteer's point of view, and according to his reasoning, far from imposing a restriction, the clause in question extends and multiplies the purposes for which the Seminary may and ought to apply their funds.

The ordinance of 1839 confirmed the rights and titles of the Seminary to the same extent and "for the same objects, intents and purposes as the ecclesiastics of the Seminary of the Faubourg Saint Germain, Lez Paris, or the Seminary of St. Sulpice of Montreal, according to its constitution before the eighteenth day of september, in the year one thousand seven hundred and fifty nine, or either, or both of the said Seminaries, might or could have done or had a right to do, or might or could have held, enjoyed or applied the same, or any part thereof, previously to the last mentioned period." [Sec. 2.]

By that ordinance, the only purposes to which the estates could be devoted were the primitive titles, and according to the pamphleteer, the only object of the establishment of the Seminary was the conversion of the Indians, whilst the second ordinance specifies the cure of the souls of the parish of Montreal, the main-

tenance of the Little Sem'ary (Montreal College), that of the schools and orphanages, conjointly with the mission of the Lake of Two Mountains.

According to the author of the pamphlet, the Seminary was originally confined to one object, the Indians, the ordinance mentions four or five others, all more or less disconnected with the Indians ; therefore ought he not to have concluded that the ordinance of 1840 conferred more extensive powers and privileges than that of 1839.

The ordinance of 1840 cannot consequently be rationally placed in contradiction with that of 1839, and there is not to be found in the second ordinance any restriction of right, proprietorship or enjoyment more onerous than in the first.

Before giving up this point we shall, in conclusion, invoke the testimony of the author of the memoirs of the life of Lord Sydenham, who epitomizes, in a few lines, the whole history of those two ordinances.

" The continuance of the seigneurial tenure in a
 " growing commercial city was exceedingly inconvenient, and the government had, therefore, long been
 " anxious to commute this tenure on equitable terms.
 " A report on the subject had been furnished by the
 " Canada Commissioners of 1836, and a definite
 " arrangement had been settled with the Seminary by
 " Mr. C. Buller, chief secretary to Lord Durham ; but
 " the limited legislative powers then possessed by the
 " special council, prevented its being carried into
 " effect ; and it accordingly remained for Lord Sydenham to pass an ordinance for that purpose.
 " *In so doing, he adhered strictly to Lord Durham's*
 " *agreement.* (Memoirs of the life of the Right Hono-

able Charles, Lord Sydenham, with a narrative of his administration in Canada, by G. Poulet Scrope, Esq. M. P., 2d edition, page 170.)

What has been the result of the ordinance of 1840 as regards the rights of proprietorship of the gentlemen of the Seminary.

The answer is to be found in the very title of the ordinances "to confirm their title to the Fief and " Seignior of the Island of Montreal, the Fief and " Seignior of the Lake of the Two Mountains, and " the Fief and Seignior of St. Sulpice, in this province."

The answer is further to be found in the preamble. Her Majesty therein sets forth : " And whereas doubts " and controversies have arisen touching the right and " title of the said Ecclesiastics, of the said Seminary ; " and whereas Her Majesty, desirous that all such " doubts and controversies should be removed and " terminated," she wishes "that the right and the " title" be absolutely confirmed for the purposes above mentioned. Section II informs us that the titles are " confirmed and declared good and valid, and effectual in law, in the same manner and to the same " extent, as the Ecclesiastics of the Seminary of St. " Sulpice of the Fauxbourg of St. Germain, Lez Paris, " or the Seminary of St. Sulpice of Montreal, according to its constitution, before the eighteenth day " of september, which was in the year one thousand " seven hundred and fifty nine, might or could have " enjoyed, held or applied the same or any part thereof."

We have demonstrated that the original titles involved proprietorship ; that they are perpetual, and

that, at the time of the first grant of the seigniority of the Lake of Two Mountains, a temporary title having been offered, the Seminary petitioned for and obtained the absolute proprietorship.

By the terms of the ordinance, we see indicated the nature of the possession then held by the gentlemen of the Seminary.

Speaking of their rights and seigniories, the following words are used.

"Now held and possessed by them as proprietors thereof (sec. II)." Further, the ordinance gives them the right "to hold, possess and enjoy them, as the true and lawful owners and proprietors of the same, and of every part and parcel thereof, to the *only* use, benefit and behoof of the said Seminary or corporation and their successors for ever." (sec. III.)

Undoubtedly, the Seminary cannot any more than any other corporation, alter the purposes of their charter, they cannot, for instance, become a trading company, nor a banking institution any more than Banks would have the right to become Seminaries. This law applies to all corporations. But common sense indicates that such restrictions cannot affect the rights of property, and it seems utterly illogical to us to contend that, because a corporation cannot devote its means to other purposes than those for which it was incorporated, therefore it does not possess the absolute proprietorship of its estates.

Such a method of reasoning against the Seminary could be applied with equal force against any other corporation.

In a word, do not all the attempts on the part of the pamphleteer to establish that the gentlemen of

the Seminary of St. Sulpice are not proprietors of their estates, crumble in the face of titles giving them the most full and ample proprietorship, and in regard of the law of the land which declares them to be "true and lawful proprietors?" Section III, ord. of 1840.

If the gentlemen of the Seminary are the true and lawful proprietors of their estates, they are sole proprietors, for it is a fundamental principle of law that the same right of property can only be vested in one person at a time.

This dispute about the rights and titles of the Seminary has been frequently raised in the interest of the Indians, who claim a right of property in the Seigniory of the Lake of Two Mountains.

The Seminary founded a mission at Montreal which, in the interest of the Indians, and to withdraw them from the debasing influences of drunkenness, was transferred to the Sault-au-Recollet, and subsequently to the Lake of Two Mountains.

The Seminary, to the full extent of their ability, sought to accommodate the Indians, they allowed them to cultivate their lands for their own benefit, they permitted them to take firewood for their own use, but they prohibited them from performing acts of proprietorship; considering themselves sole proprietors and as far as can be ascertained, on all occasions, the claims of the Indians to any right of property in the seigniory were rejected by the authorities.

We have already referred to the judgment of the Court Martial, in 1763, whereby an action in revendication of a certain lot of land in the seigniory of the Lake of Two Mountains, which had been sold by an

Indian of the locality to one Vanderheyden, was maintained.

We publish in the appendix at page 161 the opinion of Attorney General Monk and of Solicitor-General Williams, on the question of those Indian claims.

In 1788, the Indians, wishing to put themselves forward as proprietors, addressed themselves to Lord Dorchester, the Governor, and to his council, and contended, as the author of the pamphlet contends to day, that the titles of 1717-18, and 1735 gave them rights, alleging further that certain promises had been made by Sir J. Johnson.

The question was referred to the attorney general and to the solicitor general. Here is the conclusion of their opinion on that point: "With respect to the claim of the Indians of the lake of the Two Mountains to the fief of that seigniory, whatever ideas they might have entertained of a title, we cannot perceive any such right in them."

Quebec 21st March 1789.

J. MONK, Atty-GEN,

J. WILLIAMS, Sol.-Gen.

The council formed itself into committee of the whole and made a report, dated the 21st april 1789, in the following terms "That no satisfactory evidence is given to the committee of any title granted to the Indians of the village in question, either by the french crown or any grantee of that crown."

The ordinance of 1840 makes no allusion to the rights of the Indians. In the preamble is mentioned

the nature of the doubts that have arisen respecting the titles of the Seminary. The ordinance says : " whereas it has been contended that all and every the " said fiefs and seigniories became, by the conquest of " this Province by the British arms, vested and still remain vested in the crown."

No mention is made of any doubts relative to the pretended rights of the Indians, no such doubts existed, because their pretensions had never been heeded by the authorities. For that reason, in section 3, the titles were confirmed for " the only use, benefit and behoof" of the Seminary.

Those rights, says the author of the pamphlet, are to be found in the very object of the institution, one of the purposes of which, according to the ordinance of 1840, is the mission of the Lake of Two Mountains, for the moral and religious instruction of the Algonquin and Iroquois Indians.

To follow up the reasoning of the author, we ought to add : the cure of souls of the parish of Montreal is one of the purposes of the institution according to the ordinance, the parishioners of Montreal have, therefore, a right of property ; the maintenance of the poor and of the orphans is another object of the institution, and they too have consequently a similar right.

Thus, parties to whom members of a corporation have devoted themselves would derive rights from that devotedness itself, and justify the spoliation of their benefactors by the very favors which they receive from them. Such would be the greatest possible injustice.

Consequently, whilst the estates of the Seminary are destined in part to the cure of souls of the parish of

Montreal, the parishioners have no rights in those estates; although one of the objects of the Seminary is the mission of the Lake of Two Mountains for the moral and religious instruction and spiritual care of the Iroquois and Algonquins, neither the Algonquins, nor the Iroquois can lay claim to the proprietorship of the estates of the Seminary.

The author of the pamphlet, at page 40, says :
 " If the estates of the Seminary have, by the act of
 " 1841, placed upon them as a perpetual charge, the
 " Mission of the Lake of the Two Mountains, and
 " by this is understood the Indians as a leading com-
 " ponent, and essential part of that term, then by what
 " reasoning coming from men having any pretensions
 " to sense or justice, are the priests to be so provided
 " for, as to give them the whole of these lands, while
 " the Indians are to have absolutely no part or share
 " in them."

The author reasons that, as the Indians are an integral part of the mission, they have an equal right to be supported out of the estates of the Seminary, as the priests of the institution.

The Indians form an integral part of the mission; but their *role* is limited in that mission to receiving and listening to the moral and religious instruction furnished them by the Seminary.

" The mission of the Lake of the Two Mountains" says the ordinance " for the instruction and spiritual
 " care of the Algonquin and Iroquois Indians."

This definition is in conformity with that given by all the authors, as may be easily seen on reference to the learned opinion given by the Hon. M. Laflamme, to be found in the appendix, page 102.

But the Seminary have done a great deal more, since they allowed them the enjoyment and the produce of the farms, nevertheless, their benevolence must not be controverted into a weapon against them, and the Indians be allowed to claim, from that purely precarious possession, a right of proprietorship.

The ordinance of 1840 embraces, therefore, the solemn compact entered into between the Crown and the Seminary. That ordinance contains the "pleasure" clearly indicated of our Sovereign, to wipe out all doubts, and to confirm in the most absolute manner, the rights of the Seminary.

Why should subjects, in contempt of the clearly expressed will of their Sovereign, renew their attacks on the Seminary by disputing their titles?

That ordinance was passed after mature deliberation, it was accepted by the special council, it was approved of by the British Parliament, after a lengthy debate, during which all the points raised by our pamphleteer had been submitted to them.

The author of the memoirs of Lord Sydenham above referred to, says [at page 171]: "A strong opposition was got up to the measure by the ultra British party in Lower Canada, and their sentiments on the subject were reechoed in the House of Lords by the bishop of Exeter who, however, was unable to obtain the assent of that House to an address to the Crown against the ordinance. Our readers can hardly have forgotten the remarkable debate which then took place, nor the testimony borne by noble Lords, on both sides of the House to the justice of the claims of the Seminary. A more exemplary

"self denying, virtuous body of ecclesiastics it would
 "be impossible to find in any part of the world."

The first ordinance concerning the Seminary had been passed in 1839, and was only to become law, when it would have received the sanction of the British Parliament.

Petitions were forwarded to England against that ordinance, praying for its rejection, as well as protesting against the new ordinance that it was contemplated to pass.

On the 6th of April 1840, Lord John Russell, then a member of the government, moved an address to Her Majesty, praying that copies of a dispatch of Governor Thompson, Lord Sydenham, to Lord Russell, dated the 13th march 1840, transmitting to him a memorial relative to the estates of the Seminary, be laid before the House. Here is the language in which he described the position: "In moving that an address
 "be presented to Her Majesty for a copy of a dispatch from the right honorable Sir Charles Thompson to Lord John Russell, dated Montreal the 13th
 "day of March 1840, transmitting memorial from
 "various parties respecting the estates of St. Sulpice,
 "I wish to avail myself of the opportunity of answering a question which was put to me the other
 "night upon the same subject.

"When that question was put, I was not aware of
 "all the facts of the case, but which are contained in
 "the dispatch for which I now move. A good deal
 "of discussion has taken place on the subject, and a
 "motion was made in regard to it so long ago as
 "1826. At that time, Lord Bathurst wrote a dispatch requiring that a judicial decision might take

“ place upon certain questions connected with the
 “ claim of the Seminary of St. Sulpice. It appears
 “ that the ecclesiastics of St. Sulpice have certain
 “ seigniorial rights in Montreal, and possess various
 “ privileges, parochial, educational throughout the
 “ District. The question of their incorporation was
 “ not settled at the time Lord Gosford was in Canada,
 “ but the commission appointed to investigate the
 “ subject came to the opinion that, though there
 “ might be doubts in point of law, there was no
 “ ground in equity for disputing the general claim of
 “ this ecclesiastical corporation.

“ Lord Seaton afterwards proposed an ordinance,
 “ with the view of enabling those interested in the
 “ Seminary, and persons holding property under them,
 “ to free their lands if they so wish, but that was not
 “ carried into effect by act of Parliament. The pre-
 “ sent Governor General also proposed an ordinance
 “ on the subject which, as it did not pass, has not
 “ been sent to this country. He is again about to
 “ propose an ordinance which he means to submit to
 “ the special council, and which will recommend cer-
 “ tain propositions that are contained in the report
 “ made by the honorable member for Liskeard [Mr.
 “ C. Buller,] to the Earl of Durham. At the same
 “ time, I am sorry to say that it appears from a me-
 “ morial which accompanies the dispatch, that a great
 “ deal of invidious feeling exists on this subject.
 “ Undoubtedly, the ordinance proposed originally by
 “ Sir John Colborne, and afterwards by the Governor
 “ Thompson, has been objected to, either I presume,
 “ upon the ground that the Roman Catholics are not
 “ to be treated with the same degree of consideration

" in point of justice and equity as others of Her Majesty's subjects, or that they have been treated with too much partiality. It appears to me, however, to be a mere question of contested property, and so it was treated by Lord Bathurst, Sir George Murray, Lord Ripon, Sir J. Colborne, and Mr. Governor Thompson. I cannot therefore see how it can be considered in any other light." [Mirror of Parliament Vol. XVII p. 2334.]

As may be seen, on the eve of the passing of the ordinance of 1840, the British Parliament was put in possession of the whole question, and of the objections that were raised against its adoption.

On the 28th July, 1840, in the House of Lords, the bishop of Exeter made an enquiry of the government respecting the ordinance which had just been passed, [that of 1840], and asked if, in their opinion, the governor in council had the right to pass that ordinance, and if it was the intention of the government to lay it before the House during that *session*.

To understand the plausibility of the last part of the question, it must not be forgotten, that, under the imperial act the 2 and 3 Vic., cap. 53 [1839], under the authority of which the titles of the Seminary were confirmed in 1840, every permanent ordinance passed by the special Council of Quebec had to be submitted to the Houses of Parliament, to afford them an opportunity of expressing their opinion, and if either branch should pronounce against such ordinance, and express a wish that such ordinance should be disallowed, the government was obliged to disallow it.

Viscount Melbourne replied to the bishop of Exeter that the ordinance would not be submitted until the

following session, and that the law officers of the Crown, to whom it had been referred, were of opinion that it was valid. [Mirror of Parliament Vol XX, pages 5015 and subsequent.]

On the 29th of July 1840, in the House of Commons, M. Pakington made a similar enquiry of the government who, through Lord John Russell, gave a similar answer to that given in the House of Lords [idem, pages 5023 and 5024.]

On the 4th of August M. Pakington presented the memorial of certain inhabitants of Montreal against the ordinance, praying that the government should suspend the effect of the ordinance until the Houses of Parliament, at their next session, should have an opportunity of expressing their opinion thereon. [idem. page 5193.]

Lord John Russell refused to accede to that request, and the memorial was left upon the table.

It was only during the following session that the debate took place, and consequently, no one could have been taken by surprise.

At the opening of the session of 1841, the ordinance was laid before both Houses, as had been previously announced.

On the 4th of March 1841, the bishop of Exeter, in the House of Lords, presented a petition from a certain number of inhabitants of Montreal against the ordinance, and in so doing, he delivered a lengthy speech. The speaker made the most of every thing that had the appearance of uncertainty in the titles of the Seminary, he attacked the report of the commission of 1836. He appealed to every religious and political motive which, according to his views,

ought to lead to the disavowal of the ordinance, he accused the governor of Canada of having forced that ordinance, not on the Seminary, as the author of the pamphlet insinuates, but upon the special council.

That speech may be read at pages 542 and following in the XXI vol. of the Mirror of Parliament.

All the arguments which have been rehashed in the pamphlet, are to be found there. But there is one remarkable difference between the speech and the pamphlet, and that is the total absence in the former, of the vulgar and insulting language that sullies every page of the latter. Whilst upholding his views in the most forcible manner, the bishop pays a just tribute to the gentlemen of the Seminary: "From all I have heard of the members of that body," says he at page 545, "I believe that they are entitled to the utmost credit for their zeal, temperance and desire faithfully to do what they believe to be their duty."

And further at page 546, he adds: "In discussing the subject, I wish not to be understood as throwing any censure upon the parties alluded to as individuals, "I believe most conscientiously that they are entitled to the honor and respect and reverence of every man of every religious communion. I believe they are most exemplary in their conduct. That is indeed the uniform testimony from every quarter of "Canada."

What was the reply of the Viscount Melbourne to the speech of the bishop of Exeter. Speaking on behalf of Her Majesty's government, does he coincide with the views of our pamphleteer? "Now, let your Lordships see how the case really stands. This

"Seminary has now been in existence since
 "1763, the period at which the country fell into
 "the hands of the British Crown, in possession of all
 "those properties and in the complete exercise of all
 "those seigniorial rights which they hold at present.
 "They have been recognized by Governor General
 "after Governor General of Canada, by as many coun-
 "cils as have sat since 1774 ; and as many assem-
 "blies as have met since 1790, when the Canadian act
 "passed. I do say, therefore, notwithstanding any le-
 "gal or speculative opinions that may have been ha-
 "zarded upon the subject, that if this continued
 "possession of those properties by the Seminary of
 "St. Sulpice, and this continued and complete exer-
 "cise of those rights are not to be considered as a
 "settled and a fixed possession, there is nothing
 "settled or fixed in the affairs of mankind. If this is
 "not to constitute a recognition of and a moral and
 "equitable right to those properties, superseding any
 "prior or legal right that could possibly exist, then
 "I would say, there is nothing which, by possibility,
 "can be considered fixed, stable or permanent. It is
 "upon this ground, upon the ground of the possession
 "being so settled, that the ordinance was framed."

How different from the statement of the writer in the pamphlet !

The old Duke of Wellington who, at the time of the presentation of the petition, had pronounced against the ordinance, cast his vote for its maintenance.

On the day fixed for the discussion of the bill, 15th march, the bishop of Exeter spoke at length against the ordinance, attacking again the titles, and oppo-

sing the ordinance as being unjust, saying, that it was but a fancy of the governor of that time.

The Marquis of Normanby answered the bishop for the government as follows :

“The Right Reverend Prelate, throughout the whole
 “of his statement, has always assumed that the ordinance of which he complains, was a fancy of a noble Lord (Lord Sydenham) at present at the head of the Government in Canada, that it was a whim that had occurred to that noble Lord, a project that had never before been heard of. But your Lordships will recollect that, during the time of the administration of my lamented friend, the late Lord Durham, in Canada, there was a report made by Mr. Charles Buller, a very able and elaborated report upon the circumstances connected with this Seminary. That report was adopted by Lord Durham, and subsequently acted upon by your Lordships, for in the next year, in the month of June, I laid upon the table a dispatch from Lord Durham, embodying the report of Mr. Buller, and at the same time, a draft of the ordinance intended to be submitted by Lord Durham, and afterwards actually passed by Sir John Colborne. It is true that the ordinance passed by Sir John Colborne, passed only as a *projet*, because the special council, at that time, had not the power of passing permanent laws. But what did Lord Durham state as one of the two grounds on which he considered it necessary that the imperial legislature should give its assent to the ordinance which he suggested. Why, for the very purpose of giving effect to the arrangement *proposed* by Mr. C. Buller, with respect to the Seminary of St. Sulpice. I say, therefore, that the

“ character of this House and of the Imperial Parliament is involved in your Lordships not forgetting what you did two years ago. For your Lordships to adopt the course now suggested to you by the Right Reverend prelate *would be most unjust and unfair*. The question, after all, is one of bargain, a bargain already agreed upon and to some extent, in operation. With what justice could your lordships step in to prevent one of the parties to the bargain from giving the equivalent agreed upon? Your Lordships have induced certain parties to part with a portion of their property, upon the understanding that in return for that property, they were to receive the advantages contemplated by this ordinance. If your Lordships were not to fulfil the terms of the bargain, you would be inflicting upon those parties a signal injustice.” [pages 724 and following].

In a word, the bishop of Exeter stood alone protesting against the ordinance in the House of Lords.

In the Commons, no opposition was made to the ordinance that year.

In view of those quotations, can there be any doubt as to the full bearing of the ordinance of 1840?

Was it not passed after mature deliberation, on the report of the special commission named by the British Government?

Was it not passed after an arrangement had been entered into with the Seminary itself, for the abolition of the seigniorial tenure in the city of Montreal?

Was it not an act of justice which the Government desired to perform towards the Seminary, by confirming their titles?

Was not the justice of the pretensions of the Seminary upheld?

Who will now undertake to claim the rights of the Crown against the Crown itself?

The gentlemen of the Seminary publish their titles, not because they entertain the slightest apprehension that their rights will be ignored, for they have the best of guarantees, that of Her Majesty.

It is because the public, in ignorance of what has taken place, may allow itself to be misled; because the people require to be placed upon their guard against pamphlets such as that which has just been published. It is because this question may be a novel one to some of our members of Parliament, and that it is useful that the documents establishing the rights of the Seminary should be placed in tangible form.

On several occasions since 1840, the legislature has expressly recognized the Seminary as proprietors of those seigniories, notably by the seigniorial act of 1859.

Section 16 of that act reads as follows: "The
"unconceded lands in any of the said seigniories and
"all landed property held by the said Seminary, within
"the same (including the city and parish of Montreal)
"shall be vested absolutely in the said Seminary in
" [*franc alleu roturier*], and they may sell or dispose
"of any such lands or of any other property belong-
"ing to them etc., etc."

The author of the pamphlet considers the conduct of the Seminary on the seigniorial question as being almost criminal.

"Another and glaring instance of fraud and deception" does he say, "was practised by this Seminary
"in 1854 and 1859 when by a process of deception

L

" which ought at the time to have been detected and
" punished, they succeeded in passing themselves off
" as the seigniors and owners of the seigniories they
" hold, instead of being but as administrators of these
" seigniories and but in trust for specific objects and
" charities. [page 55.]

Although the whole idea of the writer is not expressed very clearly, it is evident that he accuses the Seminary of having obtained by fraud the passing of the law of 1859.

What are the means that were so resorted to ; what act of fraud is the Seminary charged with ? The author of the pamphlet leaves us in the dark on those points.

The Seminary acted fraudulently towards the legislature, but how ? The a sersion is purely gratuitous, and like many others, made for the purpose of exciting prejudices.

III

What more remains to be said ?

We have laid before our readers the enumeration of the rights of the Seminary ; we have given an account historically of the legislation on the subject, endeavouring to keep within the strictest bounds of truth.

If we have laid more particular stress on the ordinance of 1840, it is because that being the latest title, the Seminary are acting under its provisions.

We might perhaps decline to make any mention of the difficulties occasioned by the Indians since 1868.

We should not say "occasioned by the Indians", for they would have remained peaceable citizens, had not the brand of discord been thrown amongst them.

We do not mention names ; our object, in writing at present, is not to formulate accusations.

We have placed in the appendix the correspondence and other documents relative to the troubles of the mission.

A simple glance at that correspondence and the accompanying documents will enable our representatives and the public to pass judgment on the pretensions of both parties.

On the 31st of July 1868, the Algonquins of the Lake of the Two Mountains memorialized the Government, claiming " the above rights as their forefathers had, and asking that the *domain* be under " their own control, instead of the priests controlling " them," [see appendix, page 20, document no 4.]

On the 8th of August of the same year, the Iroquois of that locality sent a petition similar to that of the Algonquins, to the Governor, Lord Monck. It is replete with insults towards the Seminary. It accuses the Seminary of tyranny and oppression in general terms. It reproaches the Sulpicians :

- 1st. With having refused to make any concessions to the Indians ;
- 2nd. With having refused them wood for their use and consumption, (whilst they actually sold large quantities of it, under pretext of opening a road ;)
- 3rd. With having refused them wood for lumber, (whilst they are selling it themselves ;)
- 4th. With having revendicated a canoe made by an Indian and sold by him ;
- 5th. With having exacted the *dîme* from the Indians ;
- 6th. With having prevented the location of the

property of a poor indian widow, so as to get possession of it, and with having paid her only one half of the value of the rent. (document No. 2).

Such are their accusations.

The Honorable Secretary of State of that day, being desirous of obtaining information relative to the titles of the Seminary, wrote to Mr. Baile, the Superior, who forwarded him an answer by letter of the 12th october 1868, at the same time enumerating the titles of the Seminary to the property.

The explanation given by Mr. Baile appears to have been satisfactory, since later, on the 3rd november 1868, the Under Secretary of State, in transmitting to the Seminary a copy of that same memorial of the Iroquois : " So as to enable it to place before the Government such explanations as it may deem proper ; " informs the Seminary that " it will not be necessary to look into the matter, as regards the titles of property of the seigniory of the Lake of Two Mountains, as the recent communication on the subject is sufficient." [see appendix, p. 43, document no. 14.]

To this requisition the Seminary replied, on the 9th November 1868 in effect, as follows :

We leave to the Indians the enjoyment of our lands for their requirements ; we allow them to take lumber and firewood for their own use ; the only indemnity that we enact from them is the 27th part of their grain produce, which is the amount levied from Canadians and other *cessionnaires* under the appellation of *dîmes*.

We give them in alms ; and in seed, etc., more than we receive from them ; in a word, we act towards them in the spirit of charity that we feel bound to show them.

We cannot allow any encroachment on our rights of property.

We strictly prohibit the sale of wood by the Indians ; for that reason, we revendicated the canoe that had been sold by one of them.

We have a very limited number of pine trees for making canoes. The Indians can obtain permission to make canoes for their own use ; but once more, we forbid them to sell them.

As regards the rental of the widow's land, the Canadian who had rented it could not come to live amidst the Indians without our permission. He offered no guarantees. We used our discretion, and after having caused an evaluation of the land to be made by a farmer, we paid the amount of the award and, in so doing, we acted in accordance with the oft repeated request of the widow.

That is, we think, a very satisfactory reply.

The acts that the Indians reproach the Seminary with, are all acts necessary to affirm their rights of proprietorship against those who have been infringing upon them.

If the Seminary had not shown vigilance on this point, unfortunate abuses would have taken place, necessitating a severity much to be regretted but absolutely unavoidable.

The Indians did not await the answer to their memorial to the Government. They proceeded with open acts of aggression, and the Seminary, not wishing to take the law in their own hands, sought the protection of the authorities, who sent to the spot Mr. Coursol who, in his long career as a magistrate, had given proofs of his honesty and impartiality.

What does Mr. Coursol say in his report, dated the 15th october 1868 ?

We are aware that the author of the pamphlet scorns to accept that report, but after all, if the dictum of judges, who make a personal inspection in order the better to arrive at the truth, are not to be believed, wo shall we believe ? Who speaks the truth ?

The public has not yet reached the point of thus despising all authority, and that report will have its full weight with any man not blinded by prejudice.

The infringements are thus set forth in the report :
 " A few days ago, one of the chiefs of the Iroquois
 " named José Ononk8otkoso, and some Indians of
 " the same tribe, went on the domain of the gentle-
 " men of the Seminary, and after having had stakes
 " planted in different places, he, the chief, solemnly
 " awarded to each Indian present the piece of land
 " which each one would in future have the right to
 " occupy, authorizing them in his capacity of chief to
 " take possession of it immediately, telling them at
 " the same time, that those lands as well as the do-
 " main did not belong to the priests but to the In-
 " dians, and that the chiefs had been authorized to
 " put them in possession of properties which they had
 " been deprived of for too long a period." [See ap-
 " pendix, page 39, document No. 11.]

After such proceedings, were not the gentlemen of the Seminary justified in their apprehensions, and had not the time arrived for them to prevent the perpetration of the acts contemplated. They had recourse to law, placing their confidence in the authorities.

On the 20th october 1868, the Secretary of State, informed the tribes of Indians of the consequences of their illegal acts, and requested them to conform themselves to the requirements of the law. [See appendix, p. 42, document No. 12.]

On the 26th of october and the 9th of december, the Secretary of State made his official report (No. 39, p. 88, and 40, p. 90, of the appendix,) on the memorial of the Algonquins and that of the Iroquois, justifying to the fullest extent the Seminary, and we may add that those reports were approved by His Excellency the Governor General in Council, on the 29th of may 1869. [Document No. 41, p. 94 of the appendix.]

By letter of the 9th december 1868, the Secretary of State informed the Iroquois of the conclusions at which he had arrived, and for their information, he reminded them that there had been reserved in 1853, 1600 acres of land for the Iroquois of the Lake of Two Mountains and of Caughnawaga, in the township of Duncaster. [Document 16, p. 5 of appendix].

On the 10th of the same month, a letter was sent to the Algonquins, reminding them that, in 1854, a reserve of 45, 750 acres of land on the Gatineau and Desert Rivers had been made for the Algonquins the Nipissingues and the Têtes de Boule Indians. [Document no. 17, p. 53 of appendix.]

On the same day, the 10th of december, the Iroquois sent to Sir John A. MacDonald a similar petition to that sent the previous summer to Lord Monck (Document no. 1, page no. 1 of the appendix), only invoking in addition, a pretended concession that they alleged had been verbally made by Mr. Qui-

blier, the Superior of the Seminary of Montreal, at a public meeting or council held at the Lake of Two Mountains, in the month of June 1839, in presence of the officers of the Indian Department, to allow the Indians to cut and sell the wood on the lands occupied by them, and they alleged moreover they had obtained a similar permission about the same time from Sir John Colborne.

On the 8th of February 1869, they applied on the same grounds to the Governor Sir John Young (Lord Lisgar).]Document No. 18, see appendix, p. 55.]

On the 23th February 1869, the Governor replied that he would have to consult his ministers, before coming to a decision in the matter. (Doct. 20, p. 57 of appendix.)

On the 26th February 1869, the Iroquois chiefs informed His Excellency: "That they had, through "the medium of their chiefs, notified the priests missionaries to leave and not to return here any more" and "that, in default of having justice rendered to "them, the chiefs, on behalf of the nation, would "adopt such means as would ensure the removal of "these priests, etc." (Document No. 22, p. 59 of appendix.)

On the 15th March 1869, the Under Secretary of State wrote to the Indians recommending them to "respect the law and the rights of property of the "gentlemen of St. Sulpice," adding "the Government "has your welfare at heart and hope that you will "listen to the good advice which is given you, and "reject the evil ones which strangers of your nation "may offer you and which cannot but bring misfortune "upon you all." (Document No. 23, p. 60 of appendix.)

The Government, in view of the malevolent dispositions of the Indians, enquired of the Seminary, if, in case the malcontents were to quit the locality, the Seminary would be willing to grant them any compensation.

Mr. Baile, the Superior, on the 2nd June 1869, answered as follows :

" Notwithstanding the great many causes of complaint which we may have against those Indians, yet we do not ask for their removal from the seigniority of the Lake of Two Mountains, we are, as heretofore, disposed to assist those who have remained faithful to us, according to our means and discretion, as well as those who may be willing to behave themselves as they should," and he adds " if however, the government came to the conclusion of removing the malcontents to some other locality, we would neither object to nor disapprove of its doing so, and if such was the case, the Seminary would not hesitate a moment in allowing such indemnity as natural equity and positive law would entitle them to, for work and improvements performed." (Document No 24, page 61 of appendix.)

By reason of this promise, the Government made known to the Indians the intentions of the Seminary, in case they, the Indians, should decide upon removing from the lake of Two Mountains.

The Indians rejected the offers of the Government. [Document no. 29, p 68 of appendix.]

In 1870, the Indians renewed their appeals to the Government.

During the month of February 1870, they sent two petitions, one to the Secretary of State, the Honora-

ble Mr. Howe, (No. 31, p 70 of appendix) and the other to the Governor, Sir John Young, [No 32, p. 72 of appendix] to the same effect, praying for possession of the lands as proprietors of the soil of the seigniory, and the right to sell timber.

Those petitions, as well the former one, were submitted to the Seminary (No. 33, p. 77 of appendix). On the 26th February 1870, the Reverend Mr. Baile sent to the Honorable Mr. Howe in effect the same reply that he had already sent to Mr. Langevin (No. 34, p. 77 of appendix,) and further, in connection with the question about cutting wood, he included a copy of a letter from Mr. Hughes, then superintendent of the Indians (the said Mr. Hughes, whose testimony the Indians invoked in a former petition), in the following terms :

Reverend Sir, " Yesterday, the 28th instant (1838,) " I had the honor of an interview with His Excellency " (Sir John Colborne) " in order to put a stop " to the disputes pending between the principals of " the Seminary and the said Indians. His Excellency " is pleased to command that the Indians be desisted [through the chief superintendent of the department to desist cutting more wood on the domain of the seigniory of the Lake of Two Mountains without permission." [appendix p. 79.]

About the beginning of the year 1870, the Reverend John Borland, Wesleyan Minister and president of the district of Quebec, applied to the government on behalf of those Indians, and prayed for the payment on their behalf, of certain lawyers' fees, incurred in suits that had been instituted against them. [Appendix p. 84, document No. 37.]

The Hon. Mr. Howe, then chief of the Indian Department, answered him as follows :

" Reverend Sir,—My attention was called, shortly
 " after I assumed the duties of this office, to the un-
 " happy disputes in the seigniory of the Two Moun-
 " tains, and I have read a great many papers and
 " heard several depositions in reference to the contro-
 " versy ; by the papers on record, it would appear
 " that the Seminary at Montreal owns the seigniory ;
 " their title is set forth in a report made by the Hon.
 " Mr. Langevin to the Privy Council, which report
 " was confirmed by that body." [Appendix, p. 86, do-
 cument No. 37 ½.]

When the Hon. M. MacKenzie took the reins of power, another attempt was made to influence the Government. The Hon. M. Mills, then in charge of the Indian Department, submitted the question to the Hon. M. Laflamme, at that time Minister of Justice.

The enquiry of Hon. M. Mills and the reply of the Hon. M. Laflamme will be found at pages 97 and 102 respectively, of the appendix.

At that time, the Hon. Justice Badgley was also consulted by the Government of Canada and his opinion is to be seen at page 129 of the appendix.

The author of the pamphlet combats the opinion of the Honorable Messrs. Langevin and Laflamme because both gentlemen are catholics, and as such, he says, the slaves of the priests.

Such insinuations are not credited even by those who write them. The precept that ought to guide those who are called upon to give an opinion on the Seminary's affairs, is taught alike to protestants and catholics, that is to do justice to all parties.

And it is because the cause of the Seminary is just and equitable, that catholics and protestants have all agreed, and that the Honorable Mr. Howe and the Honorable Judge Badgley, both protestants, have agreed in their opinions with the Honorable Messrs. Langevin and Laflamme who are catholics.

Why then renew their attacks to day ? Has there not been enough of wrangling since the beginning of those unfortunate troubles ? Let the Indians be told what is the unanimous opinion of our lawyers, and let them be taught to respect other people's rights of property, and then we shall have peace.

The Seminary has suffered great annoyance. It has been sought to wrest their estates from them. Their priests have been menaced, and their church has been burned. What course have they adopted ? They have taken advantage of their rights as British subjects : they have appealed to the tribunals, praying for the redress of the wrongs which have been inflicted upon them. They have sought the protection of the law of the land instead of taking the law into their own hands.

It is unnecessary to enter into the details of the proceedings that were adopted : according to the pamphleteer, a great many cruelties were perpetrated at the time of the arrests. Those who may have suffered unjustly, can apply to the government to insure the punishment of its officers, if they have been guilty of any inhuman acts ; and if they have not confidence in the government, they can appeal to the courts, as the Seminary have been obliged to do.

The author of the pamphlet is displeased with every body ; with the Governor who passed the Or-

dinance of 1840, with the Imperial Parliament, for having sanctioned that Ordinance ; with the legislators who affirmed the rights of the Seminary in 1859 ; with the provincial authorities who sent a magistrate with a posse of police to enforce law and order ; with the magistrate himself who merely reported upon what he saw on the spot ; with the lawyer of the Seminary, whom he accuses of unprofessional conduct ; and he blames MM. Langevin and Laflamme who, having been called upon, in their official capacity, to give their opinion, expressed in favor of the Seminary ; and he condemns the canadian government for acting upon the advice of the law officers of the Crown.

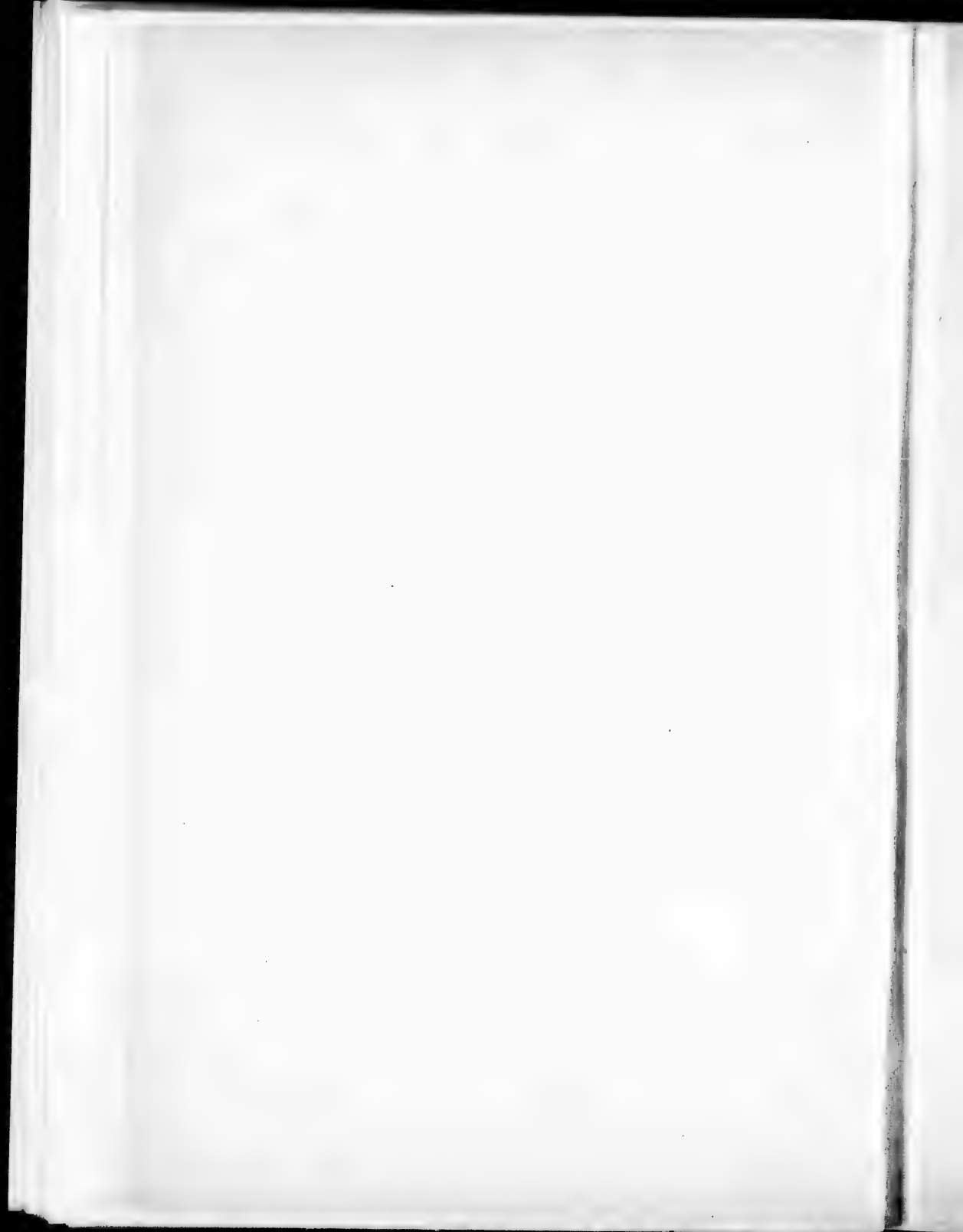
Nothing is agreeable to him. Everywhere there is tyranny, oppression and bad faith ; and all this is written in the most impressed language and winds up by an appeal to the people against the Catholic religious institutions of the country, and more especially against the Seminary.

We have deemed it necessary, as answer to the pamphlet, merely to set before the public the rights and titles of the Seminary. We might simply have invoked the ordinance of 1840, which confirms those rights and titles in the most formal manner possible, but we were desirous of putting the public in possession of the motives underlying that ordinance, and the circumstances accompanying its adoption, so that all may be convinced of the justice of the Seminary's cause, and how utterly groundless are the attacks of those who have been troubling them.

In common with all other British subjects, they claim their right to live in peace under the British

flag, and to enjoy with their fellow subjects the benefits of a constitution that secures undisturbed tranquillity to those who live beneath it.

APPENDIX.



[Copy, No. 1.]

PROVINCE OF QUEBEC, }
DOMINION OF CANADA. }

*To the Honorable Sir John Macdonald, C.B., Minister
of Justice and Attorney General for the Province
of Ontario, in the Dominion of Canada, &c., &c.*

HONORABLE SIR,—The humble memorial of the
Indian Chiefs and Iroquois of the Lake of Two
Mountains, in the said Dominion, respectfully she-
weth :—

That their petition of the 8th day of August now
last past [1868], to His Excellency Lord Monck, late
Governor of the said Dominion, in the French lan-
guage, a true copy of which is now produced [exhibit
letter A], setting forth certain grievances against the
priests of the Seminary of Saint Sulpice, was to have
been referred for adjustment to the Honorable the
Secretary of State for Canada, as per the accompa-
nying acknowledgment [exhibit letter B.]

That much to their loss, prejudice, and detriment,
your memorialists are yet suffering from the treatment
of the priests, who have not desisted from oppressing
them since their said petition, and have reduced them
by their pride, hypocrisy, and avarice, to a most la-
mentable state of destitution and want.

That their circumstances, wretched as they may
appear, were considerably aggravated by the visit to
their otherwise quiet and peaceable village, of a cer-
tain number of policemen, headed by Mr. Coursolles,
a Montreal magistrate, at the pressing and secret in-

vitiation of the aforesaid priests, who had falsely and maliciously represented their tribe as being in open rebellion! Your memorialists not having been favored with the report upon this system of portable justice, would believe Mr. Coursolles disposed to make *one* upon the request of his superiors in office.

That in addition to the above stated annoyance, the priests have endeavoured to silence them into submission to their ghostly authority (since they disbelieve their doctrine of purgatory), by threats of the penitentiary and transportation beyond the seas by the British government.

That the accompanying letter of the Secretary of State, written evidently under the sainted invocation of the priests of the Seminary at the Lake of Two Mountains, lead your memorialists to apprehend that justice will not be fairly dealt to them, unless they could secure your special protection, as the Minister of Justice. (See document letter C.)

That your memorialists obtained a verbal concession, given by the Reverend Mr. Quiblier, then the Superior of the Seminary of Saint Sulpice, at a public meeting or council held at the Lake of Two Mountains, in the month of June 1839, in the presence of the officers of the Indian Department, the Iroquois chiefs and warriors of that settlement, to the effect of cutting and selling firewood out of the lands they then occupied, or might hereafter wish to occupy in the Seigniory of the Lake of Two Mountains. The Iroquois Indians having previously obtained a similar permit from His Excellency Sir John Colborne, then Governor in chief in Lower Canada, of all which certificates are now produced, and to which your honor is most respectfully referred. See document letter D.

That, on being duly notified of the existence of the proofs of such a concession, the priests of the Seminary of Saint Sulpice peremptorily denied and refused to admit them.

That your memorialists, furthermore, respectfully refer your honor to the list of subscriptions now produced in aid to the suffering Iroquois warriors of the Lake of Two Mountains, as a proof of their destitution and poverty, and of the sympathy they have enlisted by their well tried loyalty, courage, and good conduct, on the part of their neighbours, the respectable Protestants of the adjoining county [see exhibit E.] That your memorialists most respectfully conclude by soliciting the intervention of your honor in their behalf, and obtain on the part of the priests of the Seminary of Saint Sulpice :

Firstly, the recognition of those rights secured to their tribe by the royal proclamation of His late Majesty King George the Third, dated the 7th day of October, 1765.

Secondly, of the 27th and 49th articles of the treaty of capitulation.

Thirdly, of the 3rd section of the ordinance passed in the 17th year George 3rd, Cap. 7th.

Fourthly, of the rights and privileges granted to the tenants (*censitaires*) of other seigniories in the province.

Fifthly, of the liberty of conscience, the free circulation and preaching of the Gospel by whatever means the Iroquois of the Lake may deem fit to devise.

Sixthly, the opening and keeping of Sabbath Schools with Evangelical teachers.

Seventhly, of the appointment of Superintendent

and other officers of the Indian Department, as existing in the former times [1837], only to be selected from among Protestants, instead of Roman Catholics.

Eighthly, of their rights to cut down and make a traffic, to their own best profit and advantage, of the firewood, agreeable to the verbal permit or concession referred to in document letter D.

And your Memorialists, as in duty bound, will ever pray.

[Signed,] JOSEPH ONASAKENRAL,
LOUIS KAREN RATENKIATE,
JEAN AENNAKENRAT,
THOMAS SAKOKENNI,
SASATIS KAROMHISNAK8UI,
LOUIS X KARONHAMMHUE,
SASIE X TIAHOKATHE,
SOSE X LOBETRES8ANE,
NICOLAS X TIKANOTOKENI,
SOSE X TEHA8RIAKEOURA,
DAVID ATHONDINE,
PIERRE X TORONHEATON,
LOUIS SHATEHASMNOTIU.

Lake of Two Mountains, 10th December, 1868,

References :—

1. Petition to Lord Monck, Exhibit A.
 2. His Answer, Exhibit B.
 3. Letter of the Secretary of State, C.
 4. Certificate of James Hughes, D.
 5. Subscription List, E.
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[*Translated from the French.*]

DISTRICT OF TERREBONNE, }
PROVINCE OF QUEBEC. }

To His Excellency the Right Honorable Charles Stanley, Vicount Monck, Baron Monck of Ballytramm, in the County of Wexford, Baron Monck, of Ballytramm in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of the Dominion of Canada, &c., &c., &c.

May it please your Excellency,—

The humble Petition of the undersigned Chiefs of the Iroquois Tribe or Nation of the Lake of Two Mountains, in the District of Terrebonne, duly elected according to the laws, usages, and customs of the said Nation.

Respectfully sheweth,—

That they are the descendants and rightful representatives of that same Indian Nation or Tribe, with whom the British Government made an alliance, and who lived under his special protection long before and after the day of the Royal Proclamation of His late Majesty, George the Third of Glorious Memory dated 7th day of October, 1763.

That for more than a century, their Nation or Tribe have always remained faithful and loyal to the British Government, notwithstanding the example to the contrary of the other Tribes, and of their co-religionists, the French and the Canadians, during the war of England with France and America, and more recently, the Canadian rebellion.

That their Nation, for this reason, and for motives of personal interest, have always been treated with contempt and harshness by the members of the clergy of the Church of Rome (better known among themselves, under the designation of the gods of this world), who, under the cloak of religion, have assumed the mastership of the Indians here, as well as in other localities,—that scourge of humankind, those oppressors of the children of the Great and only God of the Universe, are at last unmasked !

That for a long time they have been desirous of obtaining the free enjoyment of their rights and privileges as British subjects, but that their wives, and the most timid among them were, at the least sign of dissatisfaction manifested by them against the administration of the priests of the Church of Rome, threatened with anathema and eternal damnation by those holy fathers, full of anger and wrath, and the Sacraments of which church they would deprive them, dead or alive.

Your Petitioners thought better to submit, until the time would arrive when they could break from such shameful superstition.

That your Petitioners, through the intrigues and doings of the seigniors of St. Sulpice, were deprived of the protection of the British Government, and of the scholastic and religious education, more in harmony with their progress in civilization, than that of writing and reading in the Iroquois language, which the priests and seigniors of St. Sulpice, took care to teach to a few only, with a view to impose upon the others and to prevent them from acquiring the knowledge of the rights and privileges pertaining to humanity.

That by the 15th Paragraph of the Royal Proclamation above referred to, it is enacted : " That inas-
 " much as great frauds and abuses were committed
 " in the purchase of Indian lands, to our prejudice,
 " and to the great dissatisfaction of the Indians, so
 " as to prevent in future such like irregularities, and
 " so that the Indians may be convinced of our justice
 " and firm resolution to prevent every reasonable
 " cause of discontentment, by and with the advice of
 " our Privy Council, We strictly enjoin and command
 " that no person takes upon himself to purchase from
 " the said Indians, any of the lands reserved for the
 " said Indians, in those parts of Our Colonies in
 " which We have been pleased to allow people to
 " settle therein ; but if at any time to come, any of
 " the said Indians were inclined to dispose of the
 " said lands, they will be bought solely for us, and in
 " our name, at some public meeting of the said In-
 " dians, held to that effect by the Governor or Com-
 " mander in Chief of Our Colony, respectively, where
 " the said lands shall be situated, and in case such
 " lands be situated within the limits of any Proprie-
 " tary Government, then they will be subject to the
 " direction and instructions that We or the said
 " Proprietary Government may deem proper to give
 " to that effect."

That your Petitioners in their names and in the name of the Iroquois Nation, believe it to be their duty to point out, amongst other great frauds and abuses committed towards them by the priests and seigniors of St. Sulpice of the Lake of Two Mountains, above mentioned.

1. That they have constantly refused them grants of land for agricultural purposes within the limits of

their own residence, according to the laws, usages, and customs in Lower Canada.

2. That they have been deprived of the right of taking firewood for their own use, even on the lands they occupy, whilst the priests and seigniors of St. Sulpice, in the year 1864, under the pretext of opening a road, have cut and carried away, through the medium of French Canadians, more than one thousand cords of wood, such as maple, beech, and birch, on an extent in the domain of the said Seignior, of half an acre in width and one mile and a half in length, which wood they sold and bartered away, to the great prejudice and detriment of your petitioners, notwithstanding their remonstrances to the contrary.

3. That the above-mentioned priest and seigniors, although refusing to your petitioners and the other Indians the right of taking wood on their own property, did sell before their own eyes, to a French Canadian of the name of André Lacroix, a large quantity of wood of great value, which was taken from a place known as the Great Bay, Indian Land, on an extent of 30 acres.

4. That a certain Jean Baptiste Lacoppre, Iroquois, having made a canoe, which he sold, had the shame of seeing it claimed by messire Mercier, in the name of the priests and seigniors of St. Sulpice, saying that he was punishing that Indian for having sold his canoe without the permission of the priests.

5. That the said priests and seigniors of St. Sulpice levy tithes from the Indians without any right so to do, and exact other dues, [under the penalty of anathema and the refusal of the Sacraments] such as baptism, marriages, and burials, which may happen in their midst.

6. That the widow of Thomas Pétit-cris, an Iroquois woman, having a family of four children, in possession of a piece of land, containing forty acres in superficies, which she thought she could utilize for her own benefit and that of her family, leased that land to a well to do farmer, for the moiety of the crop, equal in value to a rental of 15 livres currency, the works upon it were commenced when the priest, Mr. Mercier, in the name of his brothers of St. Sulpice, rushed forward like a hawk on its prey, and caused the profits of the poor widow to be entailed in his favor, and only gave her \$30.00, thus conscientiously pocketing, in his quality of priest, a usurious and condemnable profit for everybody else of 100⁰/₇₀ taken from the poor widow and her orphans.

That your Petitioners believe it to be their duty to respectfully call the attention of Your Excellency to the following articles of the Treaty of Capitulation of 8th September, 1760 :—

1st. The Marquis of Vaudreuil proposed [in article 27] “ That the free exercise of the Catholic, Apostolic, and Roman religion shall exist unreservedly, in such a manner as to permit to individuals of all classes and of every city and country, far and near, to continue to assemble in the churches and frequent the Sacraments as heretofore without fear of molestation, either directly or indirectly. The British Government will oblige these individuals to pay to the priests, who will have charge of them, the tithes and all the other dues which they were in the habit of paying under the Government of His Most Christian Majesty.”

To which General Amherst, on behalf of His Britannic Majesty, answered, "Granted as to the free exercise of their religion, the obligation to pay the tithes to the priests shall depend upon the King."

2nd. In article 49, the French General proposed, "That the Indians or the Indian Allies of His Most Christian Majesty, shall be maintained in the possession of the lands which they occupy, if they wish to remain thereon ; they shall not be molested under any pretext whatsoever, for having taken up arms and served His Most Christian Majesty, they will have, like the French, liberty of religion, and will keep their Missionaries ; it will be permitted to the present Vicar General and to the Bishop, when the Episcopal See shall be filled, to send them new missionaries, when they shall think proper."

To which the English General answered, "Granted with the exception of the last article, which has already been refused."

3rd. In the paragraph 14 of the Royal Proclamation, it is said and declared, "And we further enjoin and strictly require all persons whatsoever who have voluntarily or inadvertently established themselves upon lands in the localities above designated, or upon any other land which, not having been ceded to us, or by us bought, are still reserved for the said Indians as above stated, to leave instantly such settlements."

4th. In the third clause of the Act passed in the 17th year of the Reign of His Majesty George the Third, Cap. 17, it is enacted that, "On and after the publication of this Act, it will not be permitted to any one to establish himself in any Indian locality or Indian village in this Province, without a written

" permission from the Governor, Lieutenant-Governor, or Commander-in-Chief of the Province, under the penalty of a fine of 10 livres for the first infraction, and of 20 livres in cases of repetition, and for every subsequent infraction."

That your Petitioners, in the names of those they represent, regret to so often repeat the same complaints, in order to induce the Government of this Province to maintain them in their rights and privileges, and to order away the priests, missionaries and seigniors of St. Sulpice, who are the main and direct source of their poverty and misery. Whilst these pretended successors of St. Peter live in a sumptuous palace, all covered with purple and most delicate stuff, their table being loaded with the choicest dainties ; they receive also the produce of 22 farms, which French Canadians cultivate for them ; the Indians of the Lake are naked, their children will soon tremble with cold, for nothing is left to them ; they are hungry and without shelter, nevertheless they are by those pretended fathers and spiritual directors burdened with taxes and tithes, and dragged before the tribunals of justice, like slaves, and cast into prison at the least attempt made by them to exercise their right et proprietorship.

That your Petitioners and the Iroquois Tribe or Nation of the Lake of Two Mountains are submissive and tractable enough to be no longer under the covetous tutorage of priests and seigniors, the presence of whom they wish to have no longer.

That your Petitioners, and the Iroquois Nation or Tribe of the Lake of Two Mountains, are desirous of placing themselves under the kind protection of the

British Government, so as to obtain liberty of conscience and educate their children in the English and French languages, the same as children are educated in Evangelical and Protestant Schools.

Therefore, your Petitioners, in the name of the Iroquois Nation or Tribe which they represent, move, that it may please your Excellency to take their Petition, contained in the preceding pages, into consideration, and as containing an exact and faithful statement of their wrongs and of the causes of their dissatisfaction, and to do them justice.

And your Petitioners will for ever pray.

[Affidavit.]

Jose Onasakenral, [the Swan], Louis Kanenrakenhiote [Sanathron], and Jean Oseennakenrat, [Xegussa] residing at the Lake of Two Mountains, indians of the Iroquois Nation or Tribe, having been sworn upon the Holy Evangelists, depose and say; That they understand well, and speak fluently, the French language; that they are the only chiefs of the said Nation or Tribe, having been elected at the village of the Lake of Two Mountains, according to custom, at a meeting held for that purpose on the 25th July last, to act in their name, in all matters in which the said nation may be concerned.

That they have as such full power, until revocation, —that the allegations contained in the said petition, lecture of which was duly made to them, paragraph by paragraph, and which the deponents declare having heard and well understood, are true and the una-

nimous sentiments entertained by their Nation towards the priests, which they designate by the words of "the long gowns."

That they acknowledge the allegations and facts brought forth in the said Petition to be the same as narrated by them, and they declare to have come to St. Andrews at the solicitation of the other Indians, made to them at the aforesaid meeting, so as to have the said Petition written, and this, of their own free will, and not at the instigation or advice of any English or French Protestants ; and the deponents say nothing more, and have signed ; lecture of same first having been made.

[Signed,] JOSE ONASAKANRAT (Lecyjne),
LOUIS KANENRAKENHIATE (Sendrier),
JEAN OSENNAKENRAT (Ti8cessa),

And 119 more Signatures.

Sworn and signed before me, one
of the Commissioners of the
Superior Court of the District
of Terrebonne, appointed to receive affidavits to be read in the said court.

S. ANDREWS, Argenteuil.

8th August, 1868.

[Signed,] GASPARD T. DE LA RONDE, C. S. C.

[No. 3.]

[*Translated from the French.*]

On this 28th day of the month of November, in the year of Our Lord one thousand eight hundred and sixty-eight, before the undersigned Public Notary, duly admitted and sworn in and for that part of the Province of Quebec, formerly called Lower Canada, residing in the District of Terrebonne, personally came and appeared Jose Ononksakosa, *alias* Ocite, ancient chief of the Iroquois nation, residing at the Lake of Two Mountains, who did say and declared unto us, that he recognizes a certain paper writing (*papier écrit*) written upon a half sheet of foolscap paper, deteriorated and smoky, bearing other certain signs of its being the same paper writing (*papier écrit*) or certificate which was given and delivered to him in person by the late James Hughes, in his lifetime of Saint Polycarpe, Rivière à de l'Isle, in the District of Montreal, Esquire, where the said appearer met him, with a view of obtaining the certificate or paper writing in question, or report of an assembly of the officers of the Indian Department, the Iroquois chiefs, and Indians of the said lake of Two Mountains, held in the Indian village of the Lake of Two Mountains, in the spring of 1839, or thereabouts: That the said late James Hughes was an old Superintendent of Indian affairs, and in that capacity attended, and was present at the said meeting as well as the appearer himself: That they then and there met with the Reverend Messire Quiblier, then Superior of the Seminary of St. Sulpice: That the said late James Hughes was a gentleman every

way competent to give evidence of facts come to his knowledge, these facts being witnessed by the appearer himself, the other witnesses being either dead or absent from the country when the report of the said meeting or the certificate in question was handed to him: That the said appearer further says and declares that he recognizes the handwriting and signature of the said late James Hughes, upon the paper writing, certificate or report of the said meeting in question to be the same as that of the late James Hughes, having seen him write and sign his name: The said appearer having had the said paper writing in his keeping and possession ever since then, and that it is the paper writing, certificate or report of the said James Hughes, he affirms in the presence of the Almighty, and which he now deposits in our office, to be placed amongst our Minutes, and give copies to all whom it may concern: That the said appearer was present along with other chiefs and warriors of the Iroquis nation and the said late James Hughes, at the meeting of the month of June, 1839, alluded to: That then and there the Reverend Messire Quiblier, Superior of the Seminary of St. Sulpice, in the presence of the Reverend Messire Dufresne, missionary at the Lake of Two Mountains; of Lieutenant Colonel Napier, Secretary of Indian affairs; of the late Bernard St. Germain, Interpreter; of the late Dominique Ducharme, (upon certain representations to him made in his capacity as superior of the Seminary of St. Sulpice, by the said chief of the Iroquois nation, residing in the said village) granted to the said Iroquois nation, "the right of cutting firewood on such lot of ground, they might subsequently wish to

cultivate, and sell the same, but well understood that they should give the preference of such sale to their missionary:" The said appearer further says, that not long before the French Canadian rebellion, during the administration of the brave Sir John Colborne, Governor of Canada, he, the said appearer, in the name of the other Iroquois warriors, personally came before the Governor and represented to him the conduct of the priests of the Seminary of the Lake of Two Mountains, who refused them the right of cutting firewood within the limits of their own lands: That (Sir John Colborne) the said Governor told them in answer, "to cut as much wood as they liked, to place the same in a convenient place upon the banks of the lake, and that he would furnish them the means to have it brought to the Montreal market, at which place they would be able to dispose of it at a higher rate:" That he, the appearer, remarked that he would like that order in writing, and that Sir John Colborne replied, "he did not require it, and to make use of his name:" That he, the said appearer, and the Iroquois of the lake of Two Mountains, then commenced to cut wood, in conformity to the Governor's order (Sir John Colborne), but the rebellion having subsequently broken out, the Iroquois Indians joined the British Army in the defence of their homes, and the right as to the cutting of firewood was put off to a later period. But the Seminary of St. Sulpice having formally prohibited the exercise of that right, some difficulties arose in consequence, and which later were the cause of Mr. Quiblier granting that concession or permission above referred to.

That, to prevent any doubt as regards the conces-

sion or permission granted to the said Iroquois Indians, he, the said appearer, demands a deed in the name of the said Indians of the present declaration, which he has made in the office of the undersigned notary, for the motives above stated.

Done at St. Andrews, Argenteuil, in the office, day, month, and year above stated, and has signed under the number 7,579B.—Lecture of same first being made.

(Signed,) JOSEPH OHONK8AT-KOSA,
JOSE ONONSAKENRAT,
LOUIS KANENRAKENHIATE,
M. G. T. DE LA RONDE, N. P.

True copy of the original remaining in my office.

(Signed,) M. G. T. DE LA RONDE.

[Appendice D.]

Paper writing [*papier écrit*], certificate or report of the late James Hughes, mentioned in the deed of deposit and acknowledgment, above and elsewhere written and designated.

ST. POLYCARPE, RIVIERE DE L'ISLE,

16th, July, 1848.

I hereby certify and declare, that in the month of June, 1839, at a council held at the Lake of Two Mountains, at which were present Messire Quiblier, Superior of the Seminary of St. Sulpice; Messire Dufresne, Missionary at the Lake of Two Mountains; Lieutenant Colonel Napier, Secretary Indian affairs; James Hughes, Superintendent Indian Affairs; Ber-

nard St. Germain, and Dominique Ducharme, and most part of the Iroquois chiefs and principal warriors ; that then and there Messire Quiblier, amongst the different propositions he made to the Iroquois tribe stationed at that village, told them that they might cut firewood on such lots of ground they might occupy at the time, or that they might subsequently wish to cultivate, and sell the same, but well understood that they should give the preference of said sale of wood to their missionary, Messire Dufresne, should he deem fit to purchase the same. No price was mentioned at the time.

(Signed) JAMES HUGHES,
Late Superintendent Indian Department.

[*Translated from the French.*]

In the year one thousand eight hundred and sixty-eight, the 8th day of November we, the undersigned notary public, for that part of the Province of Quebec formerly called Lower Canada, residing at St. Andrews, in the Seigniory of Argenteuil, in the district of Terbonne, certify to all whom it may concern, that the original of the " paper writing (*papier écrit*), certificate, or report," copy of which is above written, has been brought to us, that it has been recognized and placed amongst our minutes to make use of, and that the copy above mentioned is a true copy of said original, having been by us compared, revised, and corrected, according to the said original.

And we, the said notary, further certify, that at the request of the chiefs of the Iroquois tribe of the Lake

of Two Mountains, in the said district, have this day notified and sent to the address of the Reverend Messire Joseph Lafontaine, priest at the Seminary of the Lake of Two Mountains, under envelope prepaid, a copy of the deed of deposit and of the paper writing or certificate which is annexed to it, for the use of the gentlemen of the Seminary of St. Sulpice, so that they may not plead ignorance, and to govern themselves accordingly.

The said Iroquois Indians declare, by these presents, that they intend to avail themselves of the rights and privileges given them, as proved by the said documents.

Done at St. Andrews, Argenteuil, upon the day, month, and year above mentioned; in testimony whereof we have signed; lecture first being made.

(Signed), M. G. T. DE LA RONDE, N.P.

True copy of the original.

(Signed), M. G. T. DE LA RONDE.

[Copy, No. 4.]

Lake of Two Mountains,

July 31st, 1868.

You that are our first Father on earth, we salute you, the chiefs and all the young warriors of our nation, and all the rest of the nation of Algonquins of this domain—our father whom we always loved, and still love—we ask you to hear our complaint and relieve us of our troubles. We see the smoke of the

white man upon all of our grounds that we used to get our living; our privileges trod upon, and our lands taken from us; on that land that we now live we have, as it were, nothing to say. The priests take all upon themselves and hinder us of our just rights. We want the same rights as our forefathers had, that is, the control of our own lands. Some of the priests say that we still have the rights if we would look after them, that is, the privileges our forefathers had; the domain under our own control, instead of the priests controlling us. They, the priests, say that we have no right to the Indian domain, but that they have the sole right. The priests make farms for the whites, and leave very little for us: they are selling the wood very fast, and we are not allowed to sell any; they refuse to give us wood to build houses with, that is the reason why our nation are leaving the Lake of Two Mountains, and living abroad, very few remaining at the village

The islands in the Ottawa were in our possession since before the whites came, and the Government wanted to build slides, and promised after they were built to pay us by a yearly rent; it is now long ago [about 36 years], and we have had no benefit or money from the Government for them; also, our equipments were withdrawn from us. We were surprised at that from the Government; we were promised the equipments as long as we lived in this place: our forefathers told us that. We are told now that we are under the laws of the whites, and we want the same privileges extended to us. The priests of this place forbid the whites to treat us the same as the white brethren. Since we are amenable to the laws

of the Dominion we want the same privileges as the whites.

[Signed,]

× CLAKO MI SAKI,
× BAZIL OBJIK,
× PALL AKEMWANDI,
and 22 more signatures.

[No. 5.]

[*Translated from the French,*

Lake of Two Mountains,
3rd August, 1868

Oka, P.Q.

Our Algonquin chiefs being desirous of presenting themselves to the Honorable Langevin, Minister in charge of the Indian Department, and wishing that I should give them a letter of introduction, I give it with a good will, inasmuch as they deserve it, their conduct being generally very regular.

[Signed,]

A. MERCIER,

P.S.S. Director of the Mission.

To the Honorable Langevin.

[No. 6.)

(Translated from the French.)

Montréal,

12th October, 1868.

To the Honorable H. L. Langevin, C.B.,

Secretary of State for the Dominion.

Monsieur le Ministre,—In answer to your letter of the month of September, permit me to remind you, in a few words, of the titles establishing the right of the seminary to the whole of the seigniorship of the Lake of Two Mountains.

It will be the best method of answering, to the pretensions of the Indians of our mission, who by evil-minded persons are encouraged to put forth rights which they have never possessed.

This seigniorship was conceded to us upon a title very onerous to us, in October, 1717. Our gentlemen petitioned for it, so as to enable them to transfer the Indian mission, which they had, at their own expense, established in our Seigniorship of Montreal in 1677, at first at the fort on the mountain, and afterwards at the Sault au Récollet in the domain. It was granted to us by the then Governor and Intendant, to enjoy the same for ever, in the most ample manner, even if the mission was taken away from thence, on the conditions that the expenses of the transfer of the mission should be paid by us, that we should put up a stone building, a church, and erect a fort for the protection of the Indians and the defence of the colony, against the incursions of the Iroquois. We have faithfully fulfilled those conditions.

The expenses incurred in fulfilling these conditions were so considerable that, on the 26th September, 1733, the Marquis of Beauharnois added new lands to this seigniory. The King of France, in approving of these grants, added a greater extent, in the depth of the land, as an indemnity.

Those are our titles, they are so clear that, in virtue of the Treaty of Peace, concluded between the French crown and that of England at the time of the cession of Canada in 1760, our seigniories were considered as private seigniories, and we had the privilege of selling them and taking the proceeds of such sales to France, the same as the other seigniors who did not wish to remain under the English domination. The gentlemen of St. Sulpice did not, however, like to abandon the colony at a moment when the fruits of their sacrifices were most wanted.

In 1840, the titles of the Seminary of Montreal to those seigniories, which were held in full property, by the Sulpicians of Paris and of Montreal, under the French domination, were confirmed by that famous ordinance, which has been the dawning and the basis of the commutation of the seigniorial rights in the whole Province. You are aware of the sacrifices we then made.

In 1859, in order to facilitate the extinction of the seigniorial rights and thus simplify Lower Canada legislation, we consented and offered, not without new sacrifices, to abide by the common law as regards the commutation of a part of our rights. By the 16th Section of the amended Seigniorial Act of 1859, the non-ceded lands in any of said seigniories have become our unconditional property in *franc aleu roturier*,

and we can sell any of those lands. Therefore, the lands under cultivation and occupied by the Indians are ours.

We allow them to occupy these lands on the condition that they will be cultivated by themselves or by their children, or by an Indian having resided in the mission for two years. We allow them to take what wood they require for building purposes or for firewood, but we do not allow them to sell it.

To alter this state of things, would be to upset the whole mission.

We therefore, beg of the Government to declare to the Indians that the seigniory is entirely our own property, and they cannot pretend to any other rights but to those which we may grant them.

It would be for the interest of the Indians, were their delusion in this respect dissipated; the seminary, which has done for them more than has been done in any other place, is anxious to uphold their own rights, but to prevent the mission from falling into trouble.

Be pleased to accept, I pray, the expression of the profound respect with which

I am always, Sir, your very humble and very obedient Servant,

[Signed,] T. A. BAILE,
Superior, Seminary of St. Sulpice.

(No. 7.)

[Translated from the French.]

This twenty seventh day of April, one thousand seven hundred and eighteen, the king being in Paris, and desiring to be propitious towards the ecclesiastics of the Seminary of St. Sulpice, established in Paris, from whom those of the Seminary of St. Sulpice established at Montreal proceed, and to whom the Sieurs de Vaudreuil and Bégon, Governor and Lieutenant-General, and Intendent of La Nouvelle France, have granted by Deed of Concession, on the seventeenth of October, one thousand seven hundred and seventeen, a tract of three leagues and a half in front by three leagues in depth, to enable them to transfer there the mission of the Indians of Sault au Récollet, which is under their care, and this on the terms, provisions, and conditions mentioned in the said Deed of Concession, which Deed of Concession His Majesty caused to be laid before him to be approved in favor of the ecclesiastics of the Seminary of St. Sulpice at Paris, and solely on the conditions which are to be mentioned in these presents. His Majesty, by and with the advice of Monsieur le Duc d'Orleans, Regent, has given and granted by and in virtue of these presents to the ecclesiastics of the Seminary of St. Sulpice, established in Paris, that certain tract of land containing three leagues and a half in front, to commence at a brook which runs into the great bay of the Lake of Two Mountains, ascending along the said lake and the River St. Lawrence, by three leagues in depth, the said piece of ground being

mentioned in the said Deed of Concession of 1717, in order to transfer there the mission of the said Indians of Sault au Récollet ; to have and to hold the same for ever unto the said sieurs ecclesiastics, their successors and assigns, even if the said mission be taken away from thence, in full property, under the title of fief and seignior, with the right of superior, mean, and inferior jurisdiction ; with the privilege of hunting and fishing as well within as opposite the said concession, on condition that they shall bear the whole expense necessary for removing the said mission, and also cause a church and a fort to be built there of stone at their own cost, for the security of the Indians, according to the plans thereof, which shall be by them handed over to the Governor and Intendant of La Nouvelle France, to be by them and with their report sent to the Council of Marine for His Majesty's information, and to be approved ; which works they shall be held to perform within the space of seven years, subject also to the condition of fealty and homage (*foi et hommage*) which the ecclesiastics of the said seminary, their successors and assigns, shall be held to perform at the castle of St. Lewis, in Quebec, and which they shall hold under the customary duties and dues, and agreeably to the custom of the Prevostship and Viscounty of Paris, followed in La Nouvelle France, and that the appeals from the decisions of the judge who may be established at the said place shall lie before the judges of the Royal Jurisdiction of Montreal. That they shall keep and cause to be kept house and home (*feu et lieu*) on the said concession, That they shall preserve their oak timber fit for shipbuild-

ing, which may be found upon the land which the said ecclesiastics shall have set aside for their principal manor house, and that they shall also stipulate the reserve of such oak timber within the extent of the private concessions made or to be made to their tenants, which said oak timber His Majesty shall be free to take, without being held to pay any indemnity ; also, that they shall give notice to the king or to the Governor and Intendant of La Nouvelle France, of the mines, ores, and minerals, if any be found within the limits of the said fief, and leave the necessary roadways and passages. That they shall concede the said uncleared lands under the simple title of a rent of twenty *sols* and a *capon*, for each every arpent of land in depth, and six *deniers* of *cens*, and that there shall not be inserted in the said concessions any sum of money or any other charge than that of the simple title of *rent*, His Majesty granting them, nevertheless, the permission to sell or grant at a higher rent the lands of which a quarter will have been cleared. The present Deed of Ratification to be registered in the Superior Council of Quebec, for the use of all whom it may concern, and in testimony whereof His Majesty has commanded me to draw up these presents which he has been pleased to sign with his own hand, and countersigned by me, Joint Secretary of State, and of his commands and finances.

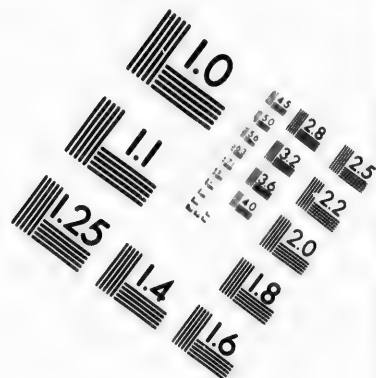
[Signed,]

LOUIS,

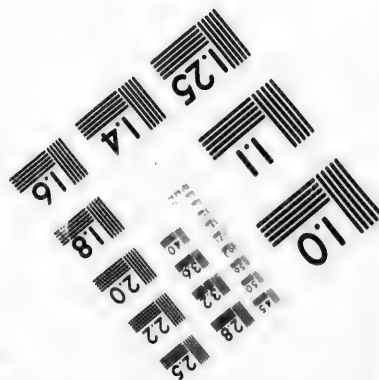
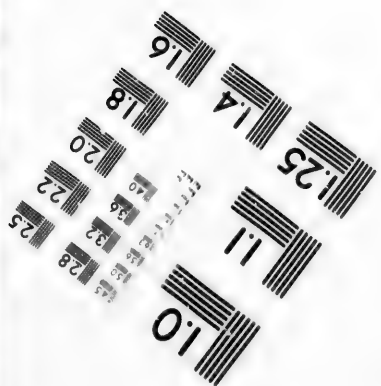
[Signed,]

PHILIPPAUX.

The title of concession above written has been registered in the records of the Superior Council of Quebec, according to the command of this day's date,



6"



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of the King's Procureur General, by me, Clerk of the said Council, at Quebec, the Second of October, 1719.

[Signed,]

RINEL.

On the back is written :—

Received into the Registrar's Office, in Québec, on Tuesday, the 11th day of June, 1765, at 9 o'clock in the forenoon.

(Signed,) J. GOLDFRAP.

Deputy Registrar.

Registered in the said office, on Friday, the 14th day of June, 1765, at 10 o'clock in the forenoon, in the French Register, letter A, page 135.

(Signed,) J. GOLDFRAP,

Deputy Registrar.

Registered in the Register of Fealty and Homage (*foi et hommage*).

(Signed,) J. T. CUGNET.

Compared with the original written on parchment, to us exhibited by Messire Jos. Bourneuf, priest, procurator of the Seminary of Montréal, and immediately returned to himself by the undersigned notaries for the Province of Lower Canada, residing in Montreal, this day, the 18th of June, 1796.

(Signed,) LOUIS CHABOILLEZ, Not.

JEAN GUILL. DELLISLE, Not.

(Copy,)

(L. S.)

Guy, Lord Dorchester, Captain General and Governor in Chief in the Province of Lower Canada, etc., etc., etc.

To all whom these presents may concern :

I do hereby certify that Louis Chaboillez and Jean Guillaume Delisle, are public notaries for the district of Montreal, in the Province of Lower Canada, duly commissioned and authorised as such ; in consequence whereof full faith and entire credit are and ought to be given to their signatures in such capacity, wherever the same may appear.

Given under my Hand and Seal at Arms, at the Castel of St. Lewis, in the City of Quebec, the 25th day of June, 1796, and in the 36th year of His Majesty's reign.

(Signed,) DORCHESTER.

By His Excellency's Command.

(Signed,) GEORGE POWNALL.

Secretary.

True copy of the original kept in the records of the Seminary of Montreal, this 8th day of September, 1868.

(Signed,) A. MERCIER, P. S. S.

(No. 8.)

(Translated from the French.)

This first day of the month of March, one thousand seven hundred and thirty-five the king being at Versailles, and having caused to be laid before him the Deed of Concession made on the twenty-sixth of September, one thousand seven hundred and thirty-three, in favor of the ecclesiastics of the Seminary of St. Sulpice of Paris, by the Sieurs Marquis of Beauharnois, Governor and Intendant General for His Majesty, and Hocquart, Intendant in La Nouvelle France, of a tract of land situated in the said country, and lying between the line of the Seigniorie belonging to the representatives of the late Sieurs de Langloiserie and Petit, and that of the Seigniorie of the Lake of Two Mountains belonging to the said Seminary, and in the front extending about two leagues by the Lake of Two Mountains; the said tract of land abutting on an angle formed by the two above mentioned lines, together with the ungranted island and islets, and the beaches adjoining the said tract of land, having also caused the Deed of Ratification of the twenty-seventh April, one thousand seven hundred and eighteen, by which His Majesty conceded of the same seminary the said seigniorie called Lake of Two Mountains, and desiring His Majesty to be propitious towards the said ecclesiastics of St. Sulpice of Paris, by confirming the concession of the twenty-sixth of September one thousand seven hundred and thirty-three, he has ratified and confirmed the said concession, to have and to hold

the said ecclesiastics, their successors and assigns for ever, as a fief and seigniory, with the right of superior, mean, and inferior jurisdiction, with that of fishing, hunting, and trading with the Indians within the limits of the said seigniory, on the following terms, provisions, and conditions, to wit: That the bearing of the said land will run in depth south one quarter south-west to north one quarter north-east, and not south-west one quarter north-east as inserted by mistake in the Deed of Concession made by the Sieurs de Beauharnois and Hocquart; that the said ecclesiastics, their successors and assigns, shall be subject to the performance of fealty and homage [*foi et hommage*,] to His Majesty on every change of reign, and furnish him also with new census, as well at the castle of St. Lewis in Quebec, of which they shall hold, according to the custom of Paris, followed in La Nouvelle France, without being obliged to pay to His Majesty, nor to his, successors (kings) any rent or dues whatsoever, neither for the land to them conceded at the said Lake of Two Mountains by the Deed of Ratification of the twenty-seventh of April, one thousand seven hundred and eighteen.

That His Majesty will be free to take at all times, without being held to pay any indemnity, the oak timber fit for his service, which may be found on the said conceded lands; that the said ecclesiastics, their successors and assigns, shall give notice to His Majesty, or to the Governor or Intendant of La Nouvelle France, of the mines, ores, and minerals, if any be found within the limits of the said concession; that the appeals from the decision of the judge who may

be established at the said place, shall lie before the judges of the Royal Jurisdiction of Montreal; that within a year and a day they shall keep, and cause to be kept, house and home (*feu et lieu*) on the said concession, in default whereof the said concession shall revert to His Majesty's domain; that they shall immediately clear, and cause to be cleared, the said tract of land; that they shall leave on the said concession the King's highways and other roadways which may be found necessary for the public use, and that they shall cause the same conditions to be inserted in the concession which they shall grant to their tenants, subject to the customary *cens et rentes* and dues for each *arpent* of land as in the adjoining seigniories, considering the nature and circumstances of inheritances, at the time of the said private concessions, the same to be observed by the desire of His Majesty as regards the lands and inheritances in the Seignior of the Lake of Two Mountains, belonging to the said ecclesiastics, notwithstanding the fixing of the said *cens* and dues and of the quantity of land of each concession set forth in the said deed of one thousand seven hundred and eighteen, to which His Majesty has departed from, and as the said ecclesiastics of St. Sulpice have represented to him that the transfer of the said Indian mission from the Island of Montreal to the Lake of Two Mountains, the stone church, the presbytery, the wooden fort which they have built thereon, have caused them expenses far exceeding the value of the lands conceded to them by the present deed, and by that of one thousand seven hundred and eighteen; that it would be impossible for them to build thereon.

a stone fort, as obliged to by the said deed, and that besides, that stone fort would now be useless, the land at the head of the other concessions upon which the said fort was to be erected for the security of the country, being occupied by the widow lady of Sieur d'Argenteuil; and, lastly, that the Indians of the mission of the said Lake of Two Mountains being accustomed to often change their place of abode and so to render the said land more profitable, it would, therefore, be necessary to extend the said land further than the three leagues as set forth in the said deed of one thousand seven hundred and eighteen, the land conceded by these presents adjoining the Sieurs Petit and Langloiserie, being of a small extent in depth, His Majesty has released and releases the said ecclesiastics of St. Sulpice from the obligation of building the said stone fort or any other works, excepting those already made, upon the said land of the said concession of one thousand seven hundred and eighteen, to which His Majesty is now pleased to add an extent of three leagues in depth, if the said extent is not already conceded, and which he now grants and concedes to the said ecclesiastics of St. Sulpice of Paris; to have and to hold in full property and seigniory, as well as the old land mentioned in the said old concession, which shall, consequently, be of six leagues in depth. Desiring His Majesty that the said concessions be restricted and subject to the conditions above mentioned without exception, although they may not have been stipulated in either of the said concessions of 1733, or in the said deed of ratification of the 17th April, 1718. And in testimony whereof, His Majesty has commanded me to draw up these presents, which shall be registered in the Superior

Council of Quebec, for the use of all whom it may concern, and which he has been pleased to sign with his own hand, and countersigned by me, Councillor, Secretary of State and of his commands and finances

(Signed,) LOUIS.

(Signed,) PHILIPPEAUX.

On the back is written :—

Recorded in the records of the Superior Council of La Nouvelle France, to be executed according to its form and tenor, the King's *Procureur Général* having been heard, according to the decree of this day's date, by us, the undersigned councillor, King's Secretary, Clerk in chief of the said Council, at Quebec, the 12th December, 1735.

[Signed,] DAINE.

Received into Registrar's Office, in Quebec, on Tuesday, the 11th day of June, 1765. at 9 o'clock in the forenoon.

[Signed,] J. GOLDFRAP,
Deputy-Registrar.

Registered in the said office, on Friday, the 14th June, 1765, at two o'clock in the afternoon, in the French Register, letter A, page 137.

[Signed,] J. GOLDFRAP,
Deputy-Registrar.

Registered in the Register of Fealty and Homage [*foi et hommage*].

[Signed,] T. F. CUGNET.

Two Mountains, belonging to the said seminary, and in the front extending about two leagues by the said lake, the said tract of land abutting on an angle formed by the two above mentioned line., together with the ungranted islands and islets and beaches adjoining the said tract of land :—considering the said Deed of Ratification, dated as above, signed Louis, and lower down Phillipeaux, with sign manual, by which His Majesty has ratified and confirmed the said concession of the Lake of Two Mountains, and has added to that of 1718, an extent of three leagues in depth :—having heard the King's *Procureur-Général*, the Council has ordained and ordains that the said Deed of Ratification be registered in the registers of the said Council, to have and to hold the said sieurs ecclesiastics of the Seminary of St. Sulpice of Paris, as a fief and seigniory, on the terms, provisions, and conditions therein contained.

Done at Quebec, at the said Superior Council, on the Monday, the 12th day of December, 1735.

[Signed,] DAINE.

Compared with a copy, written on paper, to us exhibited by Messire Joseph Bourneuf, priest, procurator of the Seminary of Montreal, and immediately returned to himself by the undersigned notaries for the Province of Lower Canada, residing in Montreal, this day, the 18th June, 1796.

(Signed,) LOUIS CHABOILLEZ,
Notary.

JEAN GUIL. DELISLE,
Notary.

[L.S.].—[Copy.]

*Guy, Lord Dorchester, Captain General and Governor
in Chief of Lower Canada, &c.*

To all whom these presents may concern :

I do hereby certify that Louis Chaboillez and Jean Guillaume Delisle, are public notaries for the District of Montreal, in the Province of Lower Canada duly commissioned and authorised as such ; in consequence whereof, full faith and entire credit are and ought to be given to their signatures in such capacity, wherever the same may appear.

Given under my Hand and Seal at Arms, at the Castle of St. Lewis, in the City of Quebec, the twenty-fifth day of June, one thousand seven hundred and ninety-six, and in the thirty sixth year of His Majesty's Reign,

[Signed,]

DORCHESTER.

By His Excellency's commands.

[Signed,]

GEO. POWNATT, Secretary.

True copy of the original kept in the records of the Seminary of Montreal, the 8th September, 1868.

(Signed,)

A. MERCIER, Ptr. P.S.S.

[No. 10.]

[*Translated from the French.*]

Attorney General's Office, Province of Quebec,
17th October, 1868.

SIR,—I am directed by the Honorable the Attorney General to transmit to you, for your information, the enclosed copy of a Report of Charles J. Coursol, Esq., Judge of Sessions of the Peace, at Montreal, relative to certain disturbances at the Lake of Two Mountains.

I have the honor, etc., etc.,

[Signed,] JOSEPH A. DEFOY, Assista C.L.C.

To the Honorable H. L. Langevin, C.B.,
Secretary of State, Ottawa.

[No. 11.]

[*Translated from the French.*]

Montreal, 15th October, 1868.

To the Hon. Gédéon Ouimet,
Attorney General, Province of Quebec.

Sir,—In conformity with the verbal instructions which I have had the honor of receiving from you, on Monday last, I left town on Tuesday morning for the Village of Lake of Two Mountains, accompanied by my first clerk, Mr. René Cotret, the chief of the Water Police, and five men of the same body..

Immediately after my arrival at the village, I caused a search to be made, so as to bring before me a certain Michel Sako8entetha, an Indian of the place, against whom I had issued a writ of arrest, for an assault committed at the Presbytery, on the person of the Reverend Messire Préfontaine, attached to the mission of the Lake as steward,

I was told, soon after my arrival, that the man accused had left his house, to hunt, a few hours before.

I then caused to be brought before me the two chiefs to the Iroquois tribe, who were the true instigators of the dissatisfaction, and threats of disorder made by the Indians [principally by the Iroquois], and of the trespasses which they openly made on this property of the gentlemen of St. Sulpice.

The following are the chiefs of the Iroquois, named Jose Ononk8otkoso, and some Indians of the same tribe, went on the domain of the gentlemen of the seminary ; and after having had stakes planted in different places, he, the chief, solemnly awarded to each Indian present, the piece of land which each one would in future have the right to occupy ; authorizing them, in his capacity of chief, to take possession of it immediately, telling them, at the same time, that those lands, as well as the domain, did not belong to the priests, but to the Indians, and that the chiefs had been authorized to put them in possession of properties which they had been deprived of for too long a period.

The Indians to whom the chiefs, without any further formalities, adjudicated certain parts of the property of the gentlemen of St. Sulpice, have not, as yet, followed those dangerous advices, and have, until

now, committed no acts of violence on the place of a nature to authorize their arrest. There has been, it appears, some threats, but nothing more. During the course of my conversation with the chiefs, I told them of the imprudence of their words, of the danger of their conduct, of the illegality of their acts, and of the penalties and fines to which they would infallibly be exposed if they persisted upon taking or advising the Indians to take possession of lands which did not belong to them, the present proprietors of which had been in possession and enjoyment of the same before and ever since the conquest, and whose rights and titles had so often been recognized by the tribunals of this country.

After a long discussion with them, they confessed that, during the month of August, 1867, Mr. Spragge, of the Indian Department, at Ottawa, had told them that the gentlemen of the seminary were not the proprietors of those lands, that they were but the administrators of these lands for the benefit of the Indians, that the Indians had a perfect right to take possession of them, and to parcel them out as they thought proper; and that it was upon Mr. Spragge's advice that they had acted in this manner. I told them that they must be in error, that Mr. Spragge could not have given an opinion of that kind, and that there must have been a misunderstanding between Mr. Spragge and themselves; but they persisted in their assertion, and added, that Mr. Spragge had spoken thus in the presence of witnesses.

They finally engaged their word as chiefs, to say, do, or advise nothing of an illegal nature to the Indians, but that they would, without loss of time, go to Ottawa, to meet the Honorable Mr. Langevin, C.

B., so as to obtain from that gentleman exact explanations, and assure themselves, once for all, of the nature of their rights, and of the extent of their privileges; and that, if they were convinced of being in the wrong, they would at once submit and beg pardon.

Seeing these dispositions on their part, which were manifested with frankness—in appearance at least—I told them that I would await the result of their interview with the Honorable Mr. Langevin before I should act, and that I would communicate to the Government the facts above cited. During the night of Tuesday and the morning of Wednesday, I caused new search to be made, so as to discover the Indian Michel Soka8entetha, but without a better result than the first time, and I do not think that he will return to the village before the departure of the six policemen I have left behind me, in compliance with the urgent request of the gentlemen of the seminary, in order to protect, in case of need, their persons or their property, which might be exposed for a few days longer.

Before terminating this report, I will take the liberty to remark, that in case the chiefs do not go to Ottawa, as promised by them, it would be desirable that the Honorable Mr. Langevin causes to come before him, to hear their complaints, which are evidently so ill-founded.

I have the firm conviction that the chiefs will immediately follow the advice of the Honorable Mr. Langevin, and be guided, without hesitation, by his decision, for they manifest the greatest confidence in the sentiments of justice which actuate that honorable gentleman towards them.

I am also happy to be able to inform you that during my sejour at the lake, peace has not been for a single moment interrupted, and that the most perfect order existed at the time of my departure.

I have the honor to be, Sir

Your very humble Servant

[Signed,]

CHARLES J. COURSOL

Judge, Sessions of Peace.

[Copy.]—(No. 12.)

Department Secretary of States

Indian Branch,

October 20th, 1868.

To Chief Joseph Orontsakoso,

Care of the Rev. the *Curé*,

Lake of Two Mountains, P.Q.

Having been informed that some of your principal men have assumed an authority in connection with the lands of the Seigniory of the Lake of Two Mountains, which was calculated to bring them into serious trouble, and subject them to prosecution at law; I consider that it will be advisable for yourself and one of the other chiefs to come to me at Ottawa, that I may explain to you both, for the information of your people, the exact position of the grant made by the crown of France to the gentlemen of the Seminary of St. Sulpice, in order that future difficulty and embarrassment may be avoided. I shall, therefore, expect your arrival with as little delay as possible.

I am, your obedient Servant,

[Signed,]

HECTOR L. LANGEVIN,

Secretary of State.

(Copy.)—[No. 13.]

Governor General's Secretary's Office,

Quebec, October 23rd, 1868.

SIR.—I am directed by His Excellency the Governor General, to acknowledge the receipt of the petition of the Chiefs of the Iroquois Indians of Two Mountains, and to inform you that it has been transferred to the Department of the Secretary of State for Canada for report,

I have the honor to be, Sir,

Your obedient Servant,

H. COTTON,

For the Governor's Secretary.

The Chiefs of the

Iroquois Indians of the Lake of Two Mountains,
Province of Quebec.

[No. 14.]

[Translated from the French.]

Ottawa, 3rd November, 1868.

MONSIEUR LE SUPERIEUR,—I am instructed to transmit to you the enclosed copy of a petition of Iroquois Indians of the Lake of Two Mountains, so as to enable you to place before the Government such explanations as you may deem proper, and to request you to do so at your earliest convenience. It will not be necessary for you to look into the matter as regards the titles of property of the Seignior of the

Lake of Two Mountains, as your recent communication on the subject is quite sufficient.

Yours, etc.,

[Signed,] ETIENNE PARENT
Under Secretary.

Messire J. Baile, Ptr.

Superior of the Seminary of St. Sulpice,
Montréal.

(No. 15.)

[Translated from the French.]

Montréal, 9th November, 1868.

To the Honorable H. L. Langevin, C.B.,
Secretary of State of the Dominion.

SIR,—In the petition presented by the three Iroquois chiefs of the Lake of Two Mountains, you have an evident proof of what I wrote to you in October last, that evil minded persons were encouraging our Indians to put forth certain rights on our seigniority which they never had.

I will not stoop to reply to the coarse insults and calumnious insinuations enclosed in the petition. Our house is enough known by the Government, not to be obliged to show that they have been suggested and inserted in the petition by the same person who dared to insert in the affidavit the forty-eight words erased and void, but which, nevertheless, can still be read. I have, therefore, to satisfy the demand of the Government, but to explain the facts and allegations brought forth in the petition.

Since about 200 years past that the mission has been established *on our domain*, of the Seigniory of the Lake of Two Mountains, there were always *sisters of the congregation* to teach the little girls how to read and write, the missionaries taught the little boys,—later some lay teachers were paid by us to replace the missionaries. At the present time, the school of the boys of the village is kept by one of the brothers of the Christain schools. For many years past the Indian language has been taught. The Iroquois, Algonquins, and Canadian children assembled together to read, but read in the French language only, in order that distinction of nationality, which has to-day so many serious inconveniences may gradually disappear.

The young Jose Onasakenrat, now the grand chief of the Iroquois, has been educated at our own expense, in our college. You see in which manner he make use of the education we have given him.

We maintain, at our own expense, those schools—two at the village, and the third at the creek—for the children of those Indians who have established themselves upon their lands.

We have also lately established a work-room, to teach the women and young Indian girls to work. Two years ago, the women obtained a prize for cloths manufactured in the mission. They have again, this year, sent some beautiful cloths to the county exhibition, but they did not succeed in getting any prize.

Not including the keeping of the brother,

who lodges and boards with our gentlemen, the expense for the three

schools amounted to..... \$817 94

And for the work-room to..... 172 76½

| | |
|--|---------|
| Forming a total amount of, for this last year, from the 1st October, 1867, to 1st October, 1868..... | 990 70½ |
| For the preceeding year, the expenses for the work-room and the schools amounted to..... | 918 07 |
| And for repairs to, and contribution at the Nunnery..... | 308 89 |

From the 1st October, 1866, to 1st October, 1867.....\$1,226 96

The Indians contribute nothing to the support of these schools, we only ask of them to send their children to these schools, but we *have always had a great deal of trouble to obtain that much.*

You perceive, by this short statement, that we have not neglected, and do not at present neglect to give the Indians that education most suited to them. Is there another mission where the Indians are more favored ?

2. In answer to the complaints of the Indians as regards the concession of lands, and the cutting of woods, it will suffice to state that this mission established upon our domain of the Mountain in 1677, was first transferred on our domain of the Sault au Récollet, and from thence, definitely established on our domain of the Lake of Two Mountains in 1777.

The Indians, whom we have always treated as our children, are, therefore, on our own lands ; they have, and can only have, but the titles which we think proper to grant them.

What was true, when our domain was seigniorial, is now more incontestible, since by our agreements

with the Government in 1859, the domain belongs to us, in *franc-aleu roturier*.

This is the manner in which we deal with our Indians in reference to the cultivation of lands. We allow them the enjoyment of the lands, on condition that they will cultivate them; the enjoyment may pass to their children on the same conditions, and we even allow them to sell out that enjoyment to another Indian who has been established in the said mission for two years. We only reserve for us the wood, the cutting and cartage of which we pay them for.

If they want any firewood, or timber for building purposes, we allow them to have it, but we only permit them to take what they want for their own use. They are prohibited from selling wood without our permission, otherwise our forest would have been long since ruined.

Were it not for that wise precaution, where would the Indians obtain their firewood? We have but a few pines capable of being converted into canoes; when the Indians required any, we allow them to take them, but on the condition that they will not sell them. This explains the claim made upon the canoe sold by the Indian La-coppre.

In general, we cut wood on the lands reserved for the Indians at their demand only, either to enlarge their fields, or make new ones; and if sometimes we have cut some without consulting them, it was on unoccupied or deserted lands.

As the domain belongs to us, we have no permission to ask.

The keeping up of the mission becoming every day more onerous, the produce of the hunt not being sufficient to supply the wants of the Indians, we

created farms around our domain. When these will yield a plentiful crop, they will suffice to meet the expenses of the mission. In the meantime, the procuracy of the seminary is obliged to advance very large sums of money to keep up, and for the repairs of the establishment of the Lake of Two Mountains.

The following is a statement of the expenses since the 1st October, 1865, to the 1st October 1868.

Furnished by the Seminary.

Expenses.

| | | | |
|----------------|------------|-----------|------------|
| 1865-1866..... | \$9,050 11 | | \$4,086 30 |
| 1866-1867..... | 10,031 55 | | 5,164 16 |
| 1867-1868..... | 12,768 51 | More than | 9,000 00 |

Account of extra works.

When the Indians come to us for assistance, we give it to them in the shape of work, unless they are sick or infirm.

Below is a statement of the assistance we have given them during the last three years.

| | | |
|--|--------------|------------|
| 1865-1866, Seed grain advanced and not remitted..... | \$ 179 30 | |
| “ Work procured to the Indians ... | 2,137 09 | |
| “ Alms..... | 650 87 | |
| | <hr/> | \$2,966 26 |
| 1866-1867, Seed grain, &c. | 163 34 | |
| “ Work..... | 2,472 25 1/2 | |
| “ Alms | 603 06 1/2 | |
| | <hr/> | 3,238 66 |
| 1867-1868, Seed Grain..... | 112 00 | |
| “ Work..... | 2,785 06 | |
| “ Alms..... | 714 14 | |
| | <hr/> | 3,611 20 |

Special assistance given to the Indians
in three years..... \$9,816 12

I make no allusion here to the other work procured for the Indians, such as the cutting of wood, the construction of a wharf, etc., etc., in which they have been employed, either by us, or our workmen.

What mission would procure them so many advantages and so much assistance?

3. For the use of the mission and of our farms, and to give work to the Indians who were in want, we had repairs made to a road, on an extent of nearly twelve miles. Every year, for the last seven years, we have spent, and still spend, nearly one thousand dollars on this road; it was during the construction of this road, and to come to the assistance of the poor, that we did cut wood of little value; the price of that wood was converted into provisions to pay the Indians' labour. For we do not pay them, and will not pay them, otherwise than with provisions, so that the proceeds of their work may turn to the benefit of their families. Were we to pay them in cash, notwithstanding the prohibition of selling liquors to the Indians, the vendors of intoxicating drinks would absorb the greatest part of their labours.

4. Finally, as regards that most odious allegation, that of the widow, Petit Cris, Messire Mercier leased the land in question upon the reiterated solicitations of that widow. He had it valued by a farmer. The Canadian who wished to lease the farm could not give any security, and could not establish himself amongst the Indians without our permission, and Mr. Mercier had it cultivated by the teacher of the school which has been established at the Creek, for the children of

those Indians who live in the woods. We have given that widow as much as she could reasonably expect.

I doubt if Mr. Mercier receives the amount which he has paid to that poor woman to assist her in her small trade with the Indians. Her land is at her disposal, whenever she wishes to retake it.

5. As regards the tithes and casual church fees, the amount which we receive from the Indians does not meet the expenses of the service of the church.

1865-66.

| | | |
|--------|-------------------|---------------------|
| Tithes | \$146 82½ | Expenses of the |
| Casual | | service of |
| fees | 162 98½ | church.....\$279 76 |
| | <u> </u> | |
| | \$309 81 | |

1866-67.

| | | |
|--------|-------------------|--------------------|
| Tithes | 122 65½ | Expenses of the |
| Casual | | service of |
| fees | 118 84 | church..... 379 01 |
| | <u> </u> | |
| | 241 49½ | |

1867-68.

| | | |
|--------|-------------------|--------------------|
| Tithes | \$208 81½ | Expenses of the |
| Casual | | service of |
| fees | 58 26 | church..... 505 73 |
| | <u> </u> | |
| | 267 07½ | |
| | <u> </u> | |
| | \$818 38 | \$1,164 50 |

You perceive by this statement, of the last three years, that the expenses are greater than the receipts; besides, most of the tithes and casual church fees come from our farmers, for they pay rent for church pews, whilst the Indians pay nothing for the pews which they occupy.

I trust, Sir, that this statement, which we have been forced to make, will enlighten the Government as re-

gards the conspiracy which is going on, for the purpose of perverting our Indians.

We only ask, so as to be permitted to continue to do the good we have always done, to see the delusion of the Indians dissipated, by solemnly declaring to them that they are upon our lands, and that they cannot be allowed to remain on them unless they submit to the wise regulations which we have made for their welfare and that of their children.

Be pleased to accept, etc., etc.,

[Signed,] T. A. BAILE,
Superintendent of the Seminary of St.
Sulpice, Montreal.

[Copy, No. 16.]

Ottawa, 9th December, 1868.

TO ALONSA SAKOKENOIE,
ALONSA RETSITONSENIO,
IGNACE TONNIONTAKOEN,
MICHEL SAKOSENKITA and others,
Iroquois of Lake of Two Mountains

The statements contained in your petition to His Excellency the Governor General having been examined and inquired into, I have to answer them in the following manner :—

The Seigniory of the Lake of Two Mountains was granted in the year 1718, by the King of France, to the gentlemen of the Seminary of St. Sulpice, and the title, which has been recognized by Act of Par-

liament, is such as gives to that body the absolute ownership thereof, and, consequently, the Indians have no right of property in the seigniory.

With regard to timber, it is found from explanations given by the Superior of the Seminary, that the Indians are allowed to cut such wood as they require for fuel and for building purposes, but are not permitted to cut wood for sale.

It appears, also, that education is bestowed upon the Indians in the required branches, and in the French language, as that spoken generally in that section of Canada ; and, that their religious instruction has received continued attention ; and that a very great deal has been done to improve the condition and to contribute to the comfort and welfare of the Iroquois of that seigniory. And, further, that the complaint made that the Indians have been refused concessions of land for agricultural purposes is contrary to the facts of the case, the practice, as explained, being to allot lands for agriculture in proportion as the Indians are prepared to clear them.

Having coveyed to you these particulars, it remains to be added, for the information of the Iroquois Indians of that seigniory, that, by an authority of an Order in Council, there were 1,600 acres of land set apart for the Iroquois of the Lake of Two Mountains, and of Caughnawaga, situated in the Township of Duncaster, in rear of the Township of Wexford, and where, provided they become actual settlers and improve the lands, each family may be located on a farm lot of sufficient extent ; and, in that case, it would be ascertained what aid could be given to the Indians by the Government.

Should the lands set apart in that township be in-

sufficient, an endeavour would be made to find some other locality, where the Indians might settle, if they so desired.

I remain, etc.,

(Signed,) HECTOR L. LANGEVIN.
Secretary of State.

(Copy.)—(No. 17.)

Department of the Secretary of State,
Ottawa, 10th December, 1868.

To Chiefs CLA-KO-MISCI KI, BAZILL, ALGIK, PALL-
AK-AN-WANEH, and other Algonquins of the Lake
of Two Mountains,

Oka, P. O., P.Q.

Your letter of the 31st July last was duly received and enquiry having been made respecting the statements contained therein, the following is the result of those enquiries :

It is found that the titles to the Seigniori of the Lake of Two Mountains, and the Acts of Parliament relating thereto, give to the gentlemen of the Seminary of St. Sulpice, Montreal, the absolute ownership of the said seigniori ; and consequently the Algonquin Indians have no right of property therein.

It further appears, from explanations given by the superior of the seminary, that the gentlemen of the seminary allow the Indians such firewood as they require for their own use, and also timber to build with, but the Indians are not allowed to cut cordwood or timber for sale.

It is well to remind the Algonquins that a tract containing 45,750 acres of land, situated upon the Rivers Desert and Gatineau, was set apart in the year 1854 for the Algonquins, Nipissingue and Têtes de Boule Indians, upon which 200 or 300 Indians have become settled, and where each family joining them can, on application to the agent, Mr. John White, obtain a farm lot of about eighty acres, which will be allowed to himself and his family for all time to come, provided they settle and cultivate the same.

Whith regard to the equipment (alluded to in your letter), as formerly given to the Indians, the fact must apparently have been long ago known to the Indians, that the Imperial Government discontinued annual presents, and only gave to the old and infirm a blanket every year to each such person, and this practice the Government of Canada still follows.

The Indians should likewise know that the Seminary of St. Sulpice has, for several years, been expending, for the benefit of the Indians, a considerably larger sum than they derive from the seigniority ; and to assist the Indians, have done much towards providing them with work and employment, and giving help and aid to the poor and infirm.

And, from the information obtained, the conclusion is, that they obtain kindness and consideration from the gentlemen of the seminary.

It is also my duty to point out to you that the Algonquins must respect property, and be content with their present condition, and rest sure that the disposition of the Government is to improve their condition, and elevate them in their social position.

Your obedient Servant,

[Signed, HECTOR L. LANGEVIN,

Secretary of State.

(Copy.)—(No. 18.)

DOMINION OF CANADA,
PROVINCE OF QUEBEC.

To His Excellency Sir John Young, C. B., C. G. M.,
Governor General of the Dominion of Canada, &c.,
&c., &c.

The humble petition of the undersigned chiefs of the iroquois nation of the Lake of Two Mountains, Province of Quebec, respectfully sheweth :

That among the most important blessings which the Divine Being had conferred upon mankind may be numbered the happy display of the good and charitable dispositions of eminent persons. Your petitioners had left their homes with a heavy heart, driven by the high hand of oppression from a quarter they had been trained to consider infallible, both in earth and in heaven—to seek the protection of those whose sympathy they could not expect to engage, being strangers to them in nationality and religion ; however, they could not, in justice, expect a worse treatment than they had been accustomed to receive from their pretended friends, and they might reach Ottawa, the seat of Government, and land upon the high, magnificent, and solid rock in perfect security, and laugh to scorn the frowning, forthy, and angry roars and threats of the “ Chaudières ” below, mighty indeed in appearance, out as harmless as the breath of the departed.

That your petitioners arrived at the seat of Government, like Bunyan's pilgrim, with their loads of

sins and complaints against their relentless oppressors, and scarcely better provided with this world's goods ; but they fortunately carried in their appearance the misery and embarrassment they felt upon being informed that Your Excellency was ready to receive them—they had reached Heaven, and beheld the Sun of Justice smiling upon their humble and rude appearance, as Your Excellency himself did, on opening the door of his cabinet, bid them 'come in my children,' they could not have felt more particularly blessed." " Oh ! oh !" said they to each other, after reluctantly parting with Your Excellency, see what reading God's own book has done here, and how truly he must love God when he loves to make us so happy. Let us go home quick, and tell our brethren, our wives, and our children, that we have met with a true servant and minister of God, and that they will not always remain oppressed."

That your petitioners have caused an English translation to be made of the petition in the French language, addressed by them on the 8th August last to Your Excellency's predecessor, Lord Monck, which they now produce (see petition marked exhibit A., and document marked B.), with copies of the petition to the Honorable the Minister of Justice, and certificates of agreement and concession, verbally made with their nation or tribe of Iroquois, by the priests and Seignior of St. Sulpice, which agreement and concession are now denied them.

Whereof your petitioners, labouring yet under the grievances set forth in the above stated references, most respectfully beg that Your Excellency will order their removal and redress.

And your petitioners, as in duty bound, will ever pray.

(Signed,) JOSE GNASAKENRAT [Lecyjne]
LOUIS KEMERAKENHIATE (Sendrier)
SAN ALEMRAKENRAT (Ci8essa).

Lake of Two Mountains,
8th February, 1869.

(Copy, Telegram.)—(No. 19.)

[*By Telegraph from Hudson.*]

Ottawa, February, 22nd, 1869.

To His Excellency, the Governor General,
Sir John Young.

May it please Your Excellency, that We, the chiefs of the Iroquois and Algonquin nations, humbly and respectfully ask your promised answer to our deputation without delay, as matters are becoming desperate with us.

[Signed,]

JOSE ONASAKENRAT,
LOUIS KEMERAKENHIATE,
SAN ANARAKENRAT.

[Copy, No. 20.]

Government Office, Ottawa,
February, 23rd, 1869.

Gentlemen,—I am directed by the Governor General to acknowledge the receipt of your petition, of date

the 8th instant, with the documents that accompanied it, and also of your telegram of yesterday, pressing for a reply.

His Excellency has referred these papers to the Privy Council, and I have to inform you that, in accordance with constitutional usage, it will not be possible for His Excellency to take any steps in the premises without the report and recommendation of the responsible ministers.

I have, etc.,

[Signed,]

F. TURVILLE.

Jose Onasakanrat (Lecyjne),
Louis Kanenratenhiate, [Sertigon],
San Anaranakenrat, [Twissa],

Chiefs of the Iroquois Nation of the Lake of Two
Mountains.

(Copy.)—(No. 21.)

Governor General's Office, Ottawa,

February 23rd, 1869.

Sir,—I am directed by the Governor General to enclose a petition and telegram from the Chiefs of the Iroquois Nation of the Lake of Two Mountains, with the accompanying documents, and a copy of His Excellency's reply, and to request you to lay these documents before the Privy Council for report.

I have the honor to be, Sir,

Your obedient Servant,

H. COTTON.

WM. H. LEE, Esq., etc.,

Clerk of the Privy Council.

[No. 22.]

[Translated from the French.]

Lake of Two Mountains,
26th February, 1869.

To the Governor General.

May it please Your Excellency,—That your memorialists of the Iroquois nation or tribe, have, through the medium of their chiefs, notified the priests' missionaries to leave, and not to return here any more; this being the unanimous desire and sentiment of the said nation.

That, in default of having justice rendered to us, the chiefs, on behalf of the nation, will adopt such means as will ensure the removal of these priests and pretended successors of St. Peter, the nation being unable to any longer tolerate their conduct towards them.

And your memorialists will for ever pray.

[Signed by us Chiefs], JOSEPH ONASAKENRAT (Le Cygne).

LOUIS X KAMERAKENHATE (Seandg).

JEAN X OGOUVEKENRAT (TiSense).

2nd March, 1869.

Send this to the Honorable H. Langevin, with a reference to the letter sent a few days ago, and request him to send an answer.

[Signed,] J. Y.

(No. 23.)

[Translated from the French.]

Ottawa, 15th March, 1869.

Gentlemen,—His Excellency the Governor General has transmitted to this Department, for answer, your communication of the 26th February last, informing His Excellency that the chiefs of the Iroquois tribe had notified the missionary to leave the mission, and not to return thither, etc., and I have been requested to inform you that you must respect the law, and the rights of property of the gentlemen of St. Sulpice.

You must understand that to act otherwise would be contrary to law, and that the best method for you to obtain favors from the Government, or from the gentlemen of St. Sulpice, is to submit, unreservedly, to the law, and this without distrust.

The Government has your welfare at heart, and hopes that you will listen to the good advice which is given you, and reject the evil ones which strangers of your nation may offer you, and which cannot but bring misfortune upon you all.

I have, etc.,

[Signed,]

E. PARENT,
Under Secretary of State.

Joseph Onasakenrat,

And other chiefs of the Iroquois Tribe, Lake of
Two Mountains.

(No. 24.)

(Translated from the French.)

Montreal, 2nd June, 1869.

Sir,—I have received, about fifteen days ago, the letter which you did me the honor to write, dated 15th May last, with copies of letters you had previously written to the Algonquins and Iroquois Indians of the Lake of Two Mountains; also, a copy of a letter by the Under Secretary of State, the hon. M. Parent, to the same Indians.

I am, honorable Sir, very much grateful to you, and to the Under Secretary of State, for having thus reminded these Indians of the duties they owe to us, and of the incontestable rights of this seminary; but, I thank you, more particularly, for having caused to be transmitted to me the authenticated copies of all these documents.

Notwithstanding the great many causes of complaints which we may have against those Indians, yet we do not ask for their removal from the Seigniory of the Lake of Two Mountains. We are, as heretofore disposed to assist those who have remained faithful to us, according to our means and discretion, as well as those who may be willing to behave themselves as they should.

If, however, the Government came to the conclusion of removing the malcontents to some other locality, we would neither object nor disapprove its doing so, and if such was the case, the Seminary would not hesitate a moment in allowing such indemnity, as natural equity and positive law would entitle them to, for work and improvements performed.

Be pleased to accept the assurance of the profound respect and sincere gratitude with which I am,

M. le Ministre,

Your most obedient and humble servant,

(Signed) T. A. BAILE,
Superior of the Seminary.

To the Hon. Hector L. Langevin,
Secretary of State.

[No. 25.]

(Translated from the French.)

Ottawa, 8th September, 1869.

M. le JUGE.—A certain number of Iroquois of the Lake of Two Mountains, appearing not to be satisfied with their position, I am willing to assist them in obtaining, from the gentlemen of St. Sulpice, the value of the improvements which these Indians may have performed upon the lands they cultivate, such as for houses, barns, sheds, and other buildings, fences, ditches, and clearing. The money which would be paid them by the Seminary of St. Sulpice, at the time when they would leave their houses, would enable them to do as the Algonquins have done, and to establish themselves elsewhere. I have every reason to believe that the seminary will accede to my request on the subject.

You will then have the kindness to go to the Lake of Two Mountains, and in my name convoke the Iroquois who reside there, and state to them the above, accompanied with suitable explanations. And those

among them who would be disposed to accept this agreement, might at once come to an understanding with you, as regards the extent of their improvements, of which a statement for each family might immediately be made and signed by yourself and them. You might, at the same time, make the estimate, and transmit to me a report of the whole as soon as possible.

I remain, M. le Juge,

Your very devoted servant,

(Signed,) HECTOR L. LANGEVIN,

Secretary of State, Sup. Gen. Indian Affairs.

To C. J. Coursol, Esq., J. S. P.
Montreal.

[No. 26.]

[*Translated from the French.*]

Montreal, 18th September, 1868

Sir,—I have the honor to report that, in conformity with the instructions contained in your letter of the 8th instant, I proceeded on the 14th instant to the village of the Lake of Two Mountains, and having had an interview with the grand chief, he promised me he would call a meeting of the Iroquois for yesterday, the 17th instant. Accordingly, I returned to the lake yesterday, and, faithful to his promise, the chief had assembled all the Iroquois now present at Oka.

The chief requested me to state the proposals with which I was intrusted to submit to them, on your behalf. I then, at length, explained to them the object

of my mission, and told them, among other things, that your object in adopting measures before hand, by which they might be provided with fertile lands, that it was to assist and be useful to them, and that their tribe might prosper.

I, also, told them that it was not your intention to force them to leave the lake, but that you had been informed that a certain number amongst them were not satisfied with their position, and could not obtain enough work to support their families ; that they had manifested their desire of accepting lands of the Government, and that you had intrusted me with the mission to inquire as to the veracity of that report.

The chief having explained to the Iroquois what I told him, conferred with them for a while. This conference over, he told me that they were all unanimous in thanking you, as well as the Government, for the solicitude and interest evinced towards them, but that it was impossible for them to maturely consider your proposals, inasmuch as one of the chiefs, and a great number of Iroquois were absent ; some of them being busy harvesting, and others travelling, that they would require a delay of three or four weeks before they would be able to give a final answer ; and, added further, that if the two priests of St. Sulpice—Messieurs Tollet and Rive—did not depart from the place, that there would be more difficulties.

That, if these gentlemen were recalled by the seminary, even for a short time, and replaced by others, they had the conviction that they would come to an understanding among themselves, and that peace and unity would be the result. That they were decided upon having no deliberation, or give any answer to

your proposals, unless the two gentlemen above named were first removed.

I told them that they were mistaken in thinking that the Seminary of St. Sulpice desired, or had asked for their removal ; that, far from it, the superior of the seminary, with whom I had had an interview the previous day, had assured me that the seminary would see, with the greatest sorrow, the departure of the Indians, and they would consent to such a step, on the conviction, only, that the Iroquois themselves were desirous to depart, and formally express their wish so to do.

I concluded by telling them that I would immediately send to you a report of the result of that meeting, not very numerous indeed, but composed of the most influential men among them, and presided by the chiefs Joseph Ohasakanrat Louis Raniackenkiate, in grand costume, the other chiefs being absent from the lake.

The meeting was put off to the 25th of October next; and a vote of thanks tendered to me by the meeting. Among those who were present at this meeting, we observed Mr. De La Ronde, notary from St. Andrews, as well as the Rev. Mr. Rivet, Protestant missionary at Oka, and whom the chiefs had invited to attend.

I have the honor to be, Sir,
Your obedient Servant,

[Signed,] CHARLES J. COURSOL, J. S. P.

To the Hon. Hector L. Langevin,
Secretary of State, Ottawa.

[No, 27]

[Translated from the French.]

Department of the Secretary of State.

Indian Branch, Ottawa,

23rd September, 1869.

SIR,—I have received instructions from the Secretary of State to acknowledge the receipt of your Report of the 18th instant, as regards your mission to the Indians of the Lake of Two Mountains, and to thank you for what you have done in matter.

I am also directed to inform you that he will soon write to you, relative to the same subject.

I have, etc.,

(Signed,)

E PARENT,

Under Secretary,

To the Honorable Judge COURSOL,
Montreal, P. Q.

[Translated from the French.]

[No 28.)

Department of the Secretary of State

Indian Branch, Ottawa,

14th October 1869.

M. LE JUGE,—I have the honor to acknowledge the receipt of your Report, dated 18th September last, in which you give me the result of the meeting held by the Iroquois Indians of the Lake of Two Mountains, on the 17th ult. As according to that

report they were to have another meeting on the 25th inst. ; I wish you would assist at it, and try to impress upon them that I, or the Government, have nothing to do as regards the nomination or removal of the reverend missionaries of St. Sulpice ; that those gentlemen are appointed by their ecclesiastical superiors, and that if they have any complaint against them, they ought to submit them, in a respectful manner, before the superior of St. Sulpice, who will, no doubt, render them justice. That as that matter has nothing in common with the one you have submitted to them, I trust that after weighing well the advantages which would accrue by their acceptance of my propositions, they will not fail to avail themselves of them.

You will be pleased, however, to state the case *de novo* to them.

Before concluding, I have to state that I approve *in toto* of your proceedings in the matter, and which you have conducted with so much zeal and tact.

I have, etc.,

(Signed,) HECTOR L. LANGEVIN,
Secretary of State.

The Honorable CHAS. COURSOL,
Montreal.

[No. 29.]

[Translated from the French.]

Montreal, 27th October, 1869.

SIR,—I have the honor to inform you that in conformity with your letter of the 19th inst., I proceeded on the 25th ins. to Oka, to assist at the meeting, which had been put off till that day, so as to obtain from the Iroquois chiefs a final answer to the proposals which you did me the honor to authorize me to submit to them in your name.

The two principal chiefs, Joseph Onasakenrat and Jean Oseneakenrat, were awaiting my arrival, as well as three councillors of the Iroquois tribe, Pierre Triokenensere, Nicolas Dekauatokiare and Joseph Tohaseiakenrat, and a small number of Indians, the greatest part among them having left for the hunt.

The short ceremonies in usage in such a case being over, the grand chief, Joseph Onasakenrat, stood up, and told me, "that on the 12th of October he had assembled the majority of the Iroquois of the Lake of Two Mountains, and had fully imparted and explained to them the nature of the proposition which you had caused to be submitted to them through me, and that the Indians, after a long discussion on the question, on all its bearings, had then unanimously declared that they were not inclined to leave; that they had too much attachment for their birthplace, which constantly recalled to their minds the glorious deeds of their ancestors, to consent to go. That they were well where they were, near the city and villages, where they could earn their livelihood. That further, they intended to cul-

"tivate, with courage, and show that the Indians were
"not as lazy as they were thought to be."

The chief then declared to me, in the name of the
tribe, that they were still in the same dispositions.

I left them, telling them that my mission ended
there, and that I would send you a special report of
their answer.

I have the honor to be, Sir,

Your very obedient Servant,

(Signed), CHAS. J. COURSOL.

(Copy.)—[No. 30.]

Department of the Secretary of State,
Indian Branch,

Ottawa, 4th November, 1869.

SIR,—I have the honor to acknowledge the receipt
of your letter of the 27th ult., reporting the result of
your second interview with the Indians of the Lake
of Two Mountains, in connection with the land mat-
ters of that seigniory, and I beg of you to accept the
thanks of this Department for the trouble you have
taken in this matter, and to forward an account of
your expenses, and of the number of days employed
by you in connection therewith.

I have the honor to be, Sir,

Your most obedient Servant,

[Signed,]

HECTOR LANGEVIN,

Secretary of State.

The Honorable Judge CHARLES COURSOL,
Montreal.

(No. 31.)

[Translated from the French.]

PROVINE OF QUEBEC,
DISTRICT OF TERREBONNE.

To the Honorable Mr. Howe, Secretary of State and
Superintendent of Indian Affairs.

May it please Your Honor, the humble petition of the undersigned chiefs of the Iroquois tribe or nation of the Lake of Two Mountains, in the said district of Terrebone, respectfully sheweth, by an extract given below of a petition dated the 26th July, 1868.

" That their nation, for the reason, and for motives
" of personal interest, have always been, treated with
" contempt and harshness by the members of the
" clergy of the Church of Rome [better known among
" themselves under the designation of the gods of
" this World) who, under the cloak of religion, have
" assumed the mastership of the Indians here as well
" as elsewhere."

" That scourge of human kind, these oppressors of
" the children of the great and only God of the Uni-
" verse, are at last unmasked."

" That they have been for a long time desirous of
" obtaining the free enjoyment of their rights and
" privileges as British subjects, but that their wives,
" and the most timid among them, were, at the least
" sign of dissatisfaction manifested by them against
" the administration of the Church of Rome, threaten-
" ed with anathema and eternal damnation by those
" holy fathers, full of anger and wrath, and the sacra-

"ments of which church they would deprive them of, dead or alive."

That your petitionners thought better to submit until the time would arrive when they could break from such shameful superstition.

[Reference].—In the year 1867, under the pretext of opening a road, they have cut and taken away, by the means of French Canadians, one thousand cords of firewood, taken within the limits of the said Seigniory.

In 1869, those same priests have caused a larger quantity of wood to be cut and carted away, whilst we are withheld from all kind of work, and even prevented from clearing our lands.

If we wished to make some improvements [build a school-house], we were interfered with by these oppressors, who had us arrested and imprisoned, and who appropriated to themselves all the material we had, notwithstanding the authority we hold from the Government.

We, therefore, humbly pray your honor to notify them to discontinue, and thus preserve for us and for our children, and children's children, our only means of support.

In witness whereof, we have signed,

(Signed) JOSEPH ONASAKANRAT Chief,
and 15 others.

[No. 32.]

Province of Quebec,
District of Terrebonne,

To His Excellency, Sir John Young, Baronet, K.C.B.
K.C.M.G., Governor General in and over the
Dominion of Canada.

May it Please Your Excellency,—

The humble petition of the Chiefs and other Indians of the village of Oka, in the Sagniore of the Lake of Two Mountains, in the District of Terrebonne, in the Province of Quebec, respectfully sheweth :—

That your petitioners are the offspring [descendants] of the tribes or nations of Indians, with whom the British Government formed a treaty, as allies, and who lived under its benevolent protection a long time, previous to, and since the Royal Proclamation of His late Majesty, George the Third, of glorious memory, dated the 1st day of October, 1763.

That they are the holders and possessors, among other lands, of which this fourth part of the earth (America) is composed—regarded by them, held and enjoyed as their land of promise—Canaan ; now altered, since its pretended discovery by Jacques Cartier, into the appellation of “Canada.” 1st. Because it was the gift of the Creator of Heaven and Earth. 2nd. By right of conquest, as the allies of England, over the French adventurers and usurpers, upon two occasions, in the year 1629, and the year 1759. 3rd. By the sanction and confirmation of their said possession, by the Royal Proclamation of His late Majesty, George the Third, of glorious memory, in 1763.

A true copy of which, upon parchment, was delivered to your petitioners by, or through, the hands of their leader and friend, Sir William Johnson, Baronet, since deceased.

That your petitioner's predecessors were afterwards hunted down and spirited away out of their possessions into smaller allotments, and limited, as well as isolated localities, throughout Canada, among others, the Seigniory of the Lake of Two Mountains, aforesaid, where their support, keeping, and maintenance, valued to the yearly sum of 16,000 dollars, currency, is publicly, but falsely, declared to have been expended for their profit, benefit and advantage (as set forth in the Journal *La Minerve*, of the 30th September, 1868), by the priests of the Seminary of St. Sulpice, of Montreal, as the agents of the Seminary of that name, of the Faubourg St. Germain *lez* Paris—a foreign religious order of priesthood, under whose sheep-hook they were led to believe themselves happy and safe from the necessity of pursuing an idle or savage life, and in due time to become entitled to be numbered among the civilized nations of the earth.

That your petitioners, while allured and flattered into this false security, were out-witted by the priests of the Seminary of Saint Sulpice, who pressed forward their pretended claim to the said Seigniory of the Lake of Two Mountains [in particular], and obtained its recognition through the hurried formalities of the enactment contained in the Consolidated Statutes of Lower Canada, chapter 42, the whole to their loss, damage, prejudice, and detriment. That your petitioners, instead of obtaining such support, maintenance education, and "care of souls," have been at all times made the abject and loathsome slaves and

martyrs of the priests of the Seminary of Saint Sulpice, their pretended feudal lords, who caused several of them to be dragged by the secular arm of a police magistrate of Montreal [C. J. Coursol, Esq], and lodged in the prison of the District of Terrebonne, wherein they were kept in the course of the severe winter of the year 1869, *in duress* several days, until liberated, being guiltless of any offence, by sentence of an honorable judge of the Superior Court. And, in the course of September, now last past, an Indian woman was so cruelly assaulted, and beaten with a broomstick, by Mr. Tallet, yet an officiating priest of the Seminary of the Lake, aforesaid, that her health has been declining since, while the guilty priest is allowed to lord it over his victim, unpunished, although the Superintendent of Indian Affairs, and Commissioner of Indian Lands, for Lower Canada, was made aware of these treatments of the Indians, yet he did not deem proper to interfere, but commanded them to submit to the priests.

That your petitioners have lately placed into the hands of His Excellency the Governor in Chief, several petitions and documents, in support of their claims, which will be produced on the required order, according to parliamentary usage.

That your petitioners humbly submit; 1st. Whether from the fact of having become members of a Christian Church (the Wesleyan Methodist), and, therefore, made free by the truth, as it is in Jesus, they can be in bondage to any man, or body of men, in this Dominion? For their part they are not ashamed of the Gospel of Christ, and can afford here to defy the sneers of the infidel.

2nd. That your petitioners are the more faithful and loyal subjects of Her Majesty the Queen of these realms; that they are taught of their Saviour, by His Gospel, "To fear God, and honor the King" [I Peter, ii, 17], while their age of Majority, required by law, labouring under no legal impediment, having both mind and judgment, and in the enjoyment of every moral and physical capability, they are in no ways inferior to other races in the Dominion, and are as competent to protect their persons and property without any of the restraints put upon your petitioners, by such or similar enactments as the above quoted chapter of the Consolidated Statutes.

3rd. That the priests of the Seminary of St. Sulpice, as the sworn subjects of the Pope, and members of a foreign corporation, to wit: "the Seminary of St. Sulpice, of the Faubourg St. Germain *lex* Paris, in France," from the tenor of their priestly oath, and the fact of an already pledged conscience to a foreign monarch, could not obtain from the Legislature any power, superiority, pre-eminence, or authority ecclesiastical or civil, within these realms, relieved from the *Gospel impossibility* of serving two masters at once!

Therefore, your petitioners respectfully pray, that Your Excellency will vouchsafe to take their petition, into consideration, and be pleased to order that all the lands or property composing the said Seigniorship of the Lake of Two Mountains, having been held by them as exclusively appropriated to their use as such Indians—be restored to them as of right. And that the priests or missionaries of the Seminary of St. Sulpice be ordered to remove from the Indian villa [Oka] of the Lake of Two Mountains, within as short a de-

lay, and under the penalty as is set forth and contained in and by the act of the Consolidated Statutes of Lower Canada, chapter 14.

And your petitioners, as in duty bound, will ever pray.

(Signed,) JOSEPH ONASAKÉN RAT (Leeygne),
 Chief LOUIS KANENRAKENHIATE (Sanation),
 JEAN × ANENNAKEN RAT,
 BAZIL × OBJIK,
 VINCENT × REPEIA,
 CHARLES VINCENT × REPIA.
 NICOLAS × SEKENATAKE,
 And 59 other Signatures.

Lake of Two Mountains, 7th February 1870.

Oka, Lake of Two Mountains,

7th February, 1870.

We, the undersigned, do hereby certify that the above marks of the petitioners, who could not write their names, were voluntarily made, and given in our presence, after the contents of the foregoing petition were translated to them in the Indian language. In faith whereof, witness our hands.

[Signed,] F. X. W. RIVET, Notary.
 LOUIS KANANRAKENHIATE.

Sworn before me, at Como, Vaudreuil,
 the 7th day of February, 1870.

(Signed,) JOHN HODGSON, J.P.

[No. 33.]

[Translated from the French.]

Department Secretary of States
Indian Branch,
Ottawa, 26th January, 1870.

Reverend Sir,—I beg to enclose herein a copy of a document, filed in this office on the 31st ultimo, respecting certain rights of the Indians of the Lake of Two Mountains, in the firewood in that seigniory, in order, that if so disposed, you may offer any explanation connected with the question referred to, which you may feel called upon to do.

I have, etc., etc.,

[Signed,] JOSEPH HOWE,
Secretary of State for the Provinces.

Rev. M. Baile,
Superior of the Seminary¹ of St. Sulpice,
Montréal.

[No. 34.]

[Translated from the French.]

Montreal, 26th February, 1870.
To the Hon. Joseph Howe,
Secretary of State for the Provinces,
etc., etc.

Sir,—Since the day when you did me the honor to send me the petition of the Indians of the Lake of Two Mountains, relative to the pretended right to cut

firewood in that seigniory, there has been presented to the Senate and House of Commons, by those same Indians, a second Petition, more radical than the first, against the right of property of the Seminary of Montreal to the seigniory in question.

I may be permitted therefore, Sir, to present here a few observations as regards this litigation, and to recall to mind, in a few words.

1st. That the seigniory of the lake was acquired by the Seminary of Montreal from the French Government, at a title onerous to them.

2nd, That immediately after the conquest, the Seminary had the liberty to sell it, and bring the price of the same elsewhere, in the same manner as with their other properties, if they had thought proper to do so.

3rd. That the right and title of the Seminary to that seigniory were recognized in the most ample and most unreserved manner, in the charter which was granted them in 1840, by the authority of the British Government.

4th. Lastly, that in 1859, by the transactions effected by the Seminary with the Government of this Province, they became proprietors in *franc aleu roturier* of all their unconceded land.

Those titles can be found in the archives of the Government of Ottawa, and they are so very clear, that if they were not respected, no proprietor could believe himself secured against spoliation.

The Seminary has always allowed the Indians of the Lake to take firewood in the forest for their own use. They have also been allowed, when asked for, to take timber for building purposes. But the seminary has always prohibited them from selling the

wood ; this being done with a view to their own welfare ; knowing, very well, that if they were allowed to sell the wood, the forest would soon be laid waste, and they would soon be unable to procure any therefrom when wanted.

The Seminary has often employed Indians to cut wood and cart the same, either for its own use or to sell it, and always paid them for that work, but never for the price of the wood. When the Indians have taken upon themselves to cut or sell some for their benefit, the Seminary has always energetically objected, and often brought before the tribunals of justice the vendors or purchasers, who were invariably committed.

Thus, in a petition of the 13th March 1838, to Sir John Colborne, Mr. Quiblier, then Superior of the Seminary, said, "it is about the end of 1837, that "listening to selfish advice, some one among them " (of the Iroquois) committed considerable depredations in the Domain, took and sold a great quantity " of wood."—"That it may please your Excellency " to notify them through your Secretary : 1st. To stop " and discontinue their depredation. 2nd. To have " an understanding with the resident missionary as " regards a compensation for damages sustained."

Fifteen days later, in answer to that petition, Mr. Hughes, the Superintendent of the Indians, wrote to Mr. Quiblier :—

"Rev. Sir,—Yesterday, the 28th instant, 1838, I " had the honor of an interview with his Excellency, " in order to put a stop to the disputes pending between the Principal of the Seminary and the said " Indians. His Excellency is pleased to command " that the Indians be desired (through the Chief Su-

"perintendant in Department) to desist cutting more wood on the domain of the Seignior of the Lake of Two Mountains without permission."

Mr. Quiblier, in a letter of the 4th April following, giving an account of this transaction to Mr. Dufresne, then Missionary at the Lake of Two Mountains, thus ended his letter: "I have forgotten to tell you this morning, when speaking to the Governor General, in the presence of Mr. Hughes, I told His Excellency, and repeated several times,—“That we had reserved the domain, of your own free will, that we could have sold the same in part or in whole; that if we had not done so, it was for the good of the Indians; that the Indians would have nothing to say in the matter, were we to sell it at present to whomsoever we chose, this is the root of the whole affair. When we do anything for the Indians, we do it because we so wish it. Do not lose sight of this when you speak to Mr. Hughes.”

Mr. Quiblier's argument is still more irrefutable since the seminary has been recognised proprietor in *franc alie roturier*.

Mr. Hughes, however, who, by mistake or otherwise, had taken upon himself to allow the Indians to cut and sell wood for their own benefit, was compelled to withdraw that permission.

This is demonstrated by the letter which was sent to him on the 4th April, 1838, by Mr. Rowan, Secretary of Sir John Colborne, by which this Secretary orders him, in the name of the Governor, to go to the lake, and put a stop to the depredations; and afterwards, by the letter which Mr. Hughes himself was obliged to write to the Indians to prove to them the authenticity of Mr. Rowan's letter.

The successors of Mr. Quiblier, the superiors of the seminary, and their representatives at the lake, the successors of Mr. Dufresne, have constantly agreed and acted in the same manner as those two gentlemen did towards the Indians, as it is easily proved by their correspondance, and their conduct generall/.

Moreover, Sir, last year, your honorable predecessor, Mr. Langevin, having had to examine the pretensions of these poor Indians, as well as a new petition from them to cut wood, and dated the 10th June, 1869, sent them the following reply, dated the 17th of the same month, "I have to inform you that the " gentlemen of the Seminary of St. Sulpice, of Montreal, are the *proprietors* of the lands which are in " the Seigniorie of the Lake of Two Mountains, and " consequently that you have to look to them for permission to cut wood upon those lands."

" The Government cannot interfere in the matter."

It, therefore seems to me that all the difficulties as regards this affair, have been sufficiently, and more than sufficiently examined, discussed, judged, and well judged, and I am, therefore, confident that the honorable the Privy Council, the Senate, and the House of Commons, will be unanimous in rejecting and considering all the new petitions above referred to as worthless.

If, nevertheless, the contrary was the result, if our titles and our rights were again to be threatened, I would earnestly beg of you to have the kindness to notify us, and I am confident that we could easily furnish you with all the necessary documents to justify the preceding arrangements.

I am, etc., Sir,

Your humble and very obedient servant,

[Signed,] T. A. BAILE, Supr.

[Copy.]—(No. 35.)

Sherbrooke, 17th February, 1870.

To the Honorable Joseph Howe.

My Dear Sir,—The Indians at the Lake of Two Mountains, feeling dissatisfied with the conduct of the Roman Catholic priest towards them, resolved upon giving him intimation they desired any further connection between him and them to cease.

In furtherance of this object, they waited upon him to make the intimation which he, declaring them guilty of an assault, had them arrested, and conveyed to jail, for alleged trespass, and thus appeared determined to worry and tease them into subjection to his iron rule.

To defend them, under circumstances of such painful treatment, some friends in Montreal—where I then lived—engaged a lawyer, a Mr. Kerr, whose services on those occasions have involved an expense of one hundred and fifty dollars. This, now owing to the mission having fallen into the hands of the Wesleyan Methodists, rests upon them to defray. Having the superintendence of this, and several missions among the French Canadians in the Province of Quebec, it has been suggested to me that I should apply to you to know if you could, out of any funds at your disposal in behalf of the Indians, enable me to meet his demand. It is not a legitimate case for our missionary income to meet, and if we are compelled to pay it, it must be through a special appeal to our friends for that purpose.

If within your province to grant my request, I, with many friends who view the expenditure as one of

purest benevolence, to relieve and protect a deeply oppressed people, will feel much obliged.

I might say, if this were the only sum it has been necessary to raise for their help, or which might yet be necessary to obtain for them, I would not trouble you with such an application as the present.

The Honorable Mr. Aikins, to whom I have written on previous occasions in behalf of these poor Indians, is fully informed on the whole matter.

Hoping you will excuse me for thus troubling you, especially at a time when you must be so fully occupied, I beg to subscribe myself,

My dear and honored Sir,

Yours very truly,

JOHN BORLAND,

Wesleyan Minister,

and Chairman of the Quebec District.

Department of Secretary of State for the
Provinces, Indian Branch,

Ottawa, 12th March 1870.

Reverend Sir,—I am in receipt of your letter of the 17th ult., and in reply, I beg to state that, as certain of the Indians of Lake of Two Mountains, to whom you allude, received sentence of imprisonment, it must be inferred that proof must have been before the magistrate that they had infringed the law. And I have further to state, that it is not the practice to pay from Indian funds law costs, unless the incurring of those

costs had previously been sanctioned by the Superintendent General of Indian Affairs.

I have, etc.,

(Signed,) JOSEPH HOWE,
S. S.

To Rev. John Borland,
Wesleyan Missionary, and
Chairman of Quebec District.

(Copy.)—[No. 37.]

Sherbrooke, 17th March, 1870.

Honorable Sir,—I beg you to excuse me for once more trespassing on your time and attention, I only do so to correct an erroneous impression, under which I perceive you are laboring. You say, "that as certain of the Indians of the Lake of Two Mountains, to whom you allude, received sentence of imprisonment, it must be inferred that proof must have been before the magistrate that they had infringed the law." The facts are, they, the Indian Chiefs, went peaceably to intimate to the priest that they did not desire to receive from him any more service, and, therefore, they wished he would leave the place, believing that seigniorship was theirs, and that when they choose to change their spiritual advisers, they could do so without let or hindrance.

For this the priest had them arrested and taken to prison, swearing that they intended to do him bodily injury, and, therefore, charged them with an assault.

Several gentlemen in Montreal, being made acquainted with the facts of the case, entered bail in

their behalf, and had them released. It was then, at the request of the Indians, that the Methodist Church in Montreal, through me, sent them a missionary.

On his arrival among them they proposed to put up a little building as a place of worship, and commenced to do so by cutting some timber for that purpose. Then, again the priest had them arrested and put in prison, and then again their Montreal friends stepped forward and had them liberated, by becoming their bail. A lawyer was engaged to defend them in both cases. The last arrest for trespass was tried and gained by the Indians. The first charge, for alleged assault, they were prepared to meet, but the priest made no appearance, and so the case was allowed to drop. That the priest should get off so, is a mystery to all who are unaware of the power which priest have at head quarters.

I would not have troubled you with an application for relief in their case, did I not believe, as I do most fully, that they have been deeply injured, and that they deserve,—yea, have righteous claims for assistance, which, I am sorry to learn is denied them in more instances than the one on which I have addressed you.

I have the honor to be, Honorable Sir,

Your obedient Servant,

[Signed] JOHN BORLAND,
Chairman of the Quebec District.

The Honorable Joseph Howe,
Secretary of State, Ottawa.

[Copy.]—(No. 37½.)

Department of the Secretary of State
for the Provinces,
Ottawa, 26th March, 1870.

Reverend Sir,—My attention was called, shortly after I assumed the duties of this office, to the unhappy disputes in the Seigniorship of the Two Mountains, and I have read a great many papers and heard several depositions in references to the controversy; by the papers on record, it would appear that the Seminary at Montreal owns the seigniorship; their title is set forth in a report made by the honorable Mr. Langevin to the Privy Council, which report was confirmed by that body.

The minister of Justice takes the same view of the law as Mr. Langevin. I cannot change the law or dispossess the proprietors, nor would it be proper for me to encourage others to dispute rights thus recognized by the highest legal authority.

I am disposed to do what is fair and right to all parties, nor am I influenced by any thing but a sense of public duty. Should you be disposed to come to Ottawa, all the papers shall be opened to your inspection, and I shall be happy to discuss with you any practical measures for the relief or protection of the Indians that you may wish to suggest.

I have, etc.,

[Signed,] JOSEPH HOWE,
Secretary of State, etc.

The Reverend John Borland,
Chairman of the Quebec District,
Sherbrooke.

[Copy, No. 38.]

*Report from the Indian Office, relative to Complaints
made by the Iroquois Indians of the Lake of
Two Mountains.*

Referred to the Honorable the Privy Council,

With reference to the letter of the 23rd ult., from the office of His Excellency the Governor General, accompanied by a copy of a petition (the original of which was addressed to His Excellency Lord Monck) by the Iroquois Indians of the Seigniory of the Lake of Two Mountains, in which complaint is made of certain disabilities and disadvantages under which they assert that they labour, the undersigned has the honor to state, that having devoted his attention to the questions at issue, upon receipt of the original petition, and one also from the Algonquin Indians of the same settlement, he drew up two reports thereon respectively dated 26th october, and 9th december last, as exhibiting the result of his inquiries in regard to the position of the two bands alluded to ; and to these reports he respectfully requests reference. He desires, also, to observe that since their preparation no new facts have been elicited to alter the aspect of the case.

[Signed,

HECTOR LANGEVIN,
Secretary of State.

Ottawa, 18th March, 1869.

[Copy, No. 39.]

Copy of Report on the Petition of the Algonquin Indians of the Lake of Two Mountains.

The Petition claims :—

1st. That the Seminary of St. Sulpice have no right to the land or wood, but that they belong to the Indians.

2nd. That the Seminary of St. Sulpice refuses to give timber to the Indians to build houses with.

3rd. That certain islands in the Ottawa River have been taken possession of by the Government for public works, 36 years ago, and no compensation paid to the Indians.

4th. That certain equipments, that used to be paid to the Two Mountains Indians, have now ceased to be paid.

5th. That the Indians should have the same privileges as enjoyed by white people.

On the first point, I have read attentively the petition, and Mr. Spragge's memorandum of the 12th August last thereon, and after carefully reading the titles of the Seignior of Two Mountains, and the Acts of Parliament thereto relating, I have no doubt that the Algonquin Indians are altogether in error, and that the comparison established by Mr. Spragge between the land at Sault St. Louis, or Caughnawaga is quite wrong in every way, the tenure of both being quite different, in so much as the first has reverted to the crown, whilst in the case of the Seignior of Two Mountains, it is the absolute property of the Seminary of St. Sulpice of Montreal, as shown by the title or grant of the 27th April, 1718 ; by that of the 1st

March, 1735 ; by the permission granted to the gentlemen of the Seminary, by the treaty of Paris, to sell those Seigniories and carry away the proceeds to France, if they had chosen to do so ; by the 5rd & 4th Vict.c. 30 (now chay. 42 of the Consolidated Statutes of Lower Canada , and by the Seigniorial Act of 1859. The Algonquin Indians of the Two Mountains have, therefore, no right of property in the Seignior of Two Mountains, but have the right to remain where they are, at the mission, as long as they think proper, provided they behave peaceably and respect the rights of the Seminary of St. Sulpice.

On the second point, I have ascertained that the Seminary of St. Sulpice do not allow the Indians to cut wood for sale, but that they allow them timber to build with, and cord wood for their own use.

On the third point, I have to observe, that, by the Act, 14 & 15 Vict., c. 106, a large tract is set apart for the use of certain Indian tribes in Lower Canada. And that, by an Order in Council of the late Province of Canada, dated 9th August, 1853, and passed in accordance with, and under this last mentioned Statute, 45,750 [forty-five thousand seven hundred and fifty] acres of land, in the Township of Maniwaki, or River Desert, are set apart specially for the Têtes de Boule, Algonquins, and Nipissingue Indians, being the tribes hunting on the territory between St. Maurice and Gatineau, principally residing at the mission of Lake of Two Mountains. Compensation has, therefore, been given to the Algonquin Indians that may have been appropriated by the Government on the Ottawa River.

On the fourth point, it appears that the Imperial authorities for a long time gave certain equipments,

as mentioned, but they have ceased so doing for a number of years, and the Canadian authorities have replaced them by blankets, seed, grain, and other assistance, for the old and infirm Indians.

On the last point ; the Indians cannot have the same privileges as the white man, as long as the law remains as it is, but it is the intention of the Department to submit a scheme by which Indians could, under certain conditions, and with certain qualifications, obtain their emancipation, and become, to all intents and purposes, citizens, as the white men are. But in order that such a measure may obtain the sanction of Parliament, and become law, Indians must not violate the law of the land, nor throw, otherwise, obstacles in the way, They must respect property, be content with their present condition, and be sure that the disposition of the Government is to improve their condition, elevate them in their social position, and prepare them for a complete emancipation.

[Signed,] HECTOR L. LANGEVIN,

Ottawa, 26th October, 1868. Secretary of State.

[No. 40.]

*Copy of Report on the Petition of the Iroquois Chiefs
of the Iroquois Tribe of the Lake of Two Mountains.*

The Petition claims :—

- 1st. That the Iroquois Tribe is treated with contempt and harshness by the Roman Catholic Clergy.
- 2nd. That they are deprived, through the gentle-

men of the St. Sulpice Seminary, of a scholastic and religious education, in accordance with the progress of civilization, and that they are only taught to read and write the Iroquois language.

3rd. That the gentlemen of the St. Sulpice Seminary have always refused to concede to the Iroquois Indians, lands for agricultural purposes within the limits of the Seigniory of Lake of Two Mountains.

4th. That the said gentlemen refused to them the right to cut wood for fuel for their own use.

5th. That the said gentlemen have caused, in 1864, a large quantity of wood to be cut and sold against the will and to the prejudice of the Iroquois Indians.

6th. That the said gentlemen have refused to allow the Iroquois Indians to cut timber for building or improvement purposes, whilst they have allowed a white man to have a large quantity of the same for a large sum of money.

7th. That the said gentlemen have deprived an Iroquois Indian, named J. Bte. Lacoppre of a canoe he had made himself.

8th. That the said gentlemen exact tithes from the Iroquois Indians without the right to do so.

9th. That one of the said gentlemen has in the name of the others, deprived an Iroquois woman of land she had, and has given her but \$15, whilst she was offered \$30 by a white man.

10th. That the Iroquois Indians are proprietors of the land, but the gentlemen of St. Sulpice deprive them of their rights.

11th. That the Iroquois Indians wish to be educated in French and English.

I have read attentively the petition of the Iroquois chiefs, also the letter of the Reverend Mr. Baile, the Superior of the St. Sulpice Seminary, at Montreal, of the 9th November last, and after carefully reading the titles of the Seminary of Two Mountains, and the Acts of Parliament thereto relating, I have no doubt that, as in the case of the Algonquin, the Iroquois chiefs are altogether in error.

The Seigniority of Two Mountains is the absolute property of the Seminary of St. Sulpice, of Montreal, as shewn by the title or grant of the 27th April, 1718, by that of the 1st March, 1735, by the permission granted to the gentlemen of the seminary by the Treaty of Paris to sell those seigniories and carry away the proceeds to France, if they had chosen so to do, by the 3rd and 4th Victoria, chapter 30, [now chapter 42 of the Consolidated Statute of Lower Canada,] and by the Seigniorial Act of 1859 ; the Iroquois Indians, therefore, have no right of property in the Seigniority of Two Mountains. They may remain where they are at the Mission, in as much as that land has been set apart for their use by the gentlemen of the Seminary of St. Sulpice, provided as long as they behave peaceably, and respect the rights of the seminary.

The above settles complaint No. 10.

Now for the other complaints :—1st. It appears after a proper enquiry, that the gentlemen of the St. Sulpice Seminary, as well as all the Roman Catholic gentlemen who have had to minister spiritually to the Iroquois Indians of Two Mountains, have always treated the said Indians with kindness, and have provided for their spiritual and temporal wants in the

most ample and liberal manner, giving them a good education, teaching them the French language, which is that of the large majority of the population of the Province of Quebec, where they reside, and expending every year for their spiritual wants a much larger sum than that derived from the Indians and French Canadians put together. That the Indians contribute a small sum annually, for the expense of the church, is not denied by the gentlemen of the seminary, but it is considered by the return of the revenue and expenditure, that the Indians receive a much larger sum than they pay. The above is answer to complaints Nos. 1, 2, 8, and 11.

2nd. The answers given by the gentlemen of the seminary to complaints Nos. 3, 4, 5, 6, 7, and 9, are quite satisfactory. They are proprietors, and of course have the right to settle the conditions at which Indians as well as others may cut wood, and the experience of nearly a century and a half is there to show that the Algonquins and Iroquois Indians that have been under the spiritual and temporal care of the gentlemen of the Seminary of St. Sulpice have always been treated with paternal care, and have on one side increased in numbers, and on the other become a good and religious people.

The Iroquois chiefs should therefore be informed of the above conclusions, and also that by an Order in Council of the 9th August, 1853, 16,000 acres of land, in Dorchester, North River, in rear of the Township of Wexford, have been set apart for the Iroquois of Caughnawaga, and Two Mountains, and that therefore they might settle there if they wished. The Government, in that case, would see what aid could be

given them, and should those lands be too small in extent, some other locality would be found where they might settle if they wished.

They should be informed also that it is the intention, as on pages 40-41, of Report of 26th October last, about Algonquins.

(Signed,) HECTOR L. LANGEVIN.

Secretary of State.

Ottawa, 9th October, 1868.

[No. 41.]

*Copy of a Report of the Honorable the Privy Council,
approved by His Excellency the Governor General
in Council on the 24th May, 1869.*

On a petition from the Iroquois Indians of the Seigniorship of the Lake of Two Mountains, complaining of certain wrongs which they allege they suffer at the hands of the reverend gentlemen of the Seminary of St. Sulpice, the proprietors of that seigniorship, and praying relief.

The Honorable the Secretary of State reports, that having devoted his attention to the question at issue, both upon the occasion of the receipt of the present petition, and of a former one from the Algonquin Indians, of the same settlement, he prepared two reports thereon, dated respectively 26th October and 9th December 1868, as exhibiting the result of his inquiries in regard to the position of the two bands alluded to, and to these reports hereunto appended, he requests reference, observing, that since their preparation

no new facts have been elicited to alter the aspect of the case.

The Committee concur in the report of the Secretary of State, and submit the same for Your Excellency's sanction.

Certified.

[Signed,]

WM. H. LEE,
Clerk, P.C.

(Copy.)—(No. 42.)

Extract from a Report of a Committee of the Honorable the Executive Council on land applications, dated the 9th August, 1853. Approved by His Excellency the Governor General, in Council, on the same day.

On the letter from the Honorable Commissioner of Crown Lands, dated 8th June, 1853, submitting for approval a schedule shewing the distribution of the area of lands set apart and appropriated under the Statute 14 & 15 Vict., c. 106, for the benefit of the Indian tribes in Lower Canada.

Certified.

W. H. LEE,
Assistant Clerk, E.C.

To the Honorable,
Superintendent General of Indian Affairs.

[No. 43.]
Extract from the Schedule. Shewing the Distribution of the area of Land set apart and appropriated under the Statute, 14 & 15 Vict., c. 106, for the benefit of the Indian Tribes, Lower Canada.

| County. | Township or Locality. | No. of Acres. | Description of the Boundaries. | Names. | Remarks. |
|-----------|--|---------------|--|--|---|
| Ottawa... | { M a n i - w a k i or R i - v e r . e - s e r t . . } | 45,750 | { A tract on the West bank of the Gatineau, bounded on the North East by the River Desert, and on the North and North- West by the Eagle Branch, averaging 9 miles in front, by 8 miles in depth. . . . } | { Têtes de Boule, Al- gonquins, and Nipissingues . . } | { Tribes hunting on the Territory between the St. Maurice and Gatineau, principally residing at the Mission of Lake of Two Mountains. |
| Leinster. | Doncaster .. | 16,000 | { A quarter Township in rear of Wexford } | { Iroquois of Caughnawaga & Lake of Two Mountains. | Caughnawaga. |

(Signed,) JOSEPH BOUCHETTE.
 For the C.C.L., per E. T. FLETCHER,

[Signed,] JOHN ROLPH.
 Examined and found correct. (Signed,) L. VANKOUGHNET,
 Crown Land Department, Quebec, 7th June, 1853.

Ottawa 20th November 1877.

The Honorable R. Laflamme,

Minister of Justice,

Sir,—I have the honor herewith to enclose to you copies of several documents relating to the claims of the Ecclesiastics of the Seminary of St. Sulpice and the Oka Indians to the seignior of the Two Mountains, among which are :

1st. Copy of a petition to the sieurs de Vaudreuil and Bégon, Governor and Lieutenant-Governor and Intendant of Canada by the Seminary of St. Sulpice, who had previously been established at Montreal, in which it is stated that it would be to the advantage of the Indian Mission of Sault-au-Recollet in the island of Montreal to have the said Mission transferred above the Island and established on the lands on the north-west side of the Lake of Two Mountains; this petition also contemplated the removal of the Indians as it is stated that they would be " removed further from the city, would have fewer temptations to " drunkenness " and that they would serve as a barrier against the incursions in time of war.

2nd. I also enclose to you copy of a patent to the Ecclesiastics of the above mentioned seminary, bearing date of the 17th October 1717 and ratified by the King of France on the 27th April 1718 conveying to them a tract of land : " containing three and a half " leagues in front, commencing at a brook which runs " to the Great Bay of the Lake of Two Mountains,

" ascending along the said Lake and the River St.
 " Lawrence, by three leagues in depth, " to enable
 them to transfer thither the Indian Mission of Sault-
 au-Recollet ; " To have and to hold the same forever
 " unto sieurs Ecclesiastics, their successors and assigns,
 " even if the said Mission be taken away from thence,
 " in full property, under the title of fief and seigniory
 " with the right of superior, mean and inferior juris-
 " diction, with the privilege of hunting and fishing, as
 " well within as opposite the said concession." They
 were to cause a church and fort of stone to be erected
 at their own cost, for the security of the Indians,
 They were to be subject to the condition of " fealty
 and homage" which they were to perform at the
 Castle of St. Lewis, in Quebec, and to the customary
 dues and duties agreeably to the custom of Paris as
 followed in Canada. They were " to keep and cause
 " to be kept, house and home on the said concession,
 " to preserve the oak timber fit for ship building."
 which might be found on " the land they should set
 " aside for their principal manor house " and stipulate
 for the reserve of such oak timber " within the extent
 " of the private concessions made or to be made to
 " their tenants" and there was reserved to the King the
 right to enter upon the grant, to take such timber as
 well as so much of the land as he might find neces-
 sary, without being called upon to pay any indemnity.
 They were to give to the King or to the Governor
 and Intendant of Canada, notice of any mines that
 might be found upon the lands, and to leave the ne-
 cessary roadways to reach them. They were to con-
 cede the said lands under the simple title of a rent of
 " twenty sols and a capon " for each and every arpent

of land in depth, and "six deniers of cens," and there was not to be inserted in the said concessions any sum of money or any other charge than that of the simple title of rent, according to the intention of His Majesty, by whom they were to obtain the ratification of the deed, otherwise the concession was to be null.

3rd. On the 26th September 1733, a further concession was made by the Marquis de Beauharnois and Gilles Hocquart, which was ratified by the King of France on the 1st March, 1735, enlarging the grant of the seminary at the lake of Two Mountains by an extension of territory two leagues in front, along the Lake of Two Mountains, the said tract of land to be held subject to the condition of "fealty and homage" and with the "right of superior, mean and inferior jurisdiction" as in the former grant.

They were to clear, and cause to be cleared forthwith this later tract of land, leave the highways and passages which might be found necessary for the public, and have the same conditions inserted in the private grants which they were to make to their tenants under the customary cens and rentes and dues for "each and every arpent of land in front by forty arpents in depth." They were to allow fishermen free access to the fisheries, except that part which they might require for their own fishing, and the King was to be free to take any portion of the lands he might require to build batteries, forts, magazines, or public works of any kind.

4th. I also enclose to you the opinions of Mr. Spragge and the Hon. Mr. Langevin upon the subject of the Indian rights in the lands in question.

I would submit for your advice the following considerations:—

1. Whether the petition and grants referred to, do not disclose the fact that it was clearly the intention of both the Crown and seminary that the Indians residing at the Sault-au-Recollet, in the Island of Montreal, were to be transferred to the seigniory which the Ecclesiastics of the Seminary of St. Sulpice petitioned for and which the Crown granted ?

2. Whether the church and the fort which were to be erected on the seigniory at the expense of the Ecclesiastics do not indicate this with sufficient distinctness to make the Indians the tenants of the seigniors ?

3. Whether the parties referred to in the stipulation, which reserves such oak timber within the extent of the private grants made, or to be made to their censitaires, were not the Indian population, whom it was assumed would be censitaires of the Seminary, and should as such tenants hold the lands upon the conditions set out, namely : that the land should be ceded under the simple title of a rent of "twenty sols and a capon" for every arpent of land in width by forty arpents in depth, and "six deniers of cens ?"

I also invite your attention to the act 3 and 4 Victoria, cap. 30 (consolidated Statutes of Lower Canada cap. 42) respecting the seminary of St. Sulpice, incorporating the Ecclesiastics of that name established at Montreal, by which the right and title of the said Ecclesiastics was confirmed, declared good, valid, and effectual in law, in and to all the *seigniorial and Feudal rights, privileges, dues and duties arising out of and from the same*, and in and to all and every the domains, lands, reservations, buildings, messuages, tenements and hereditaments within the fief and sei-

gniory of the Lake of Two Mountains, now held and possessed by them as proprietors thereof ; and I submit :

4. Whether, under the provisions of this act, the seminary acquired any larger title to the lands than they previously possessed by the grant from the French Crown ?

5. Whether the Indian interest in the soil was in any degree diminished or taken away by the provisions of this act ?

6. Whether the Indians, having resided on a part of this territory, and having been in actual occupation thereof for a century and a half, have acquired any right or title to the lands in their possession, which it is in the power of the Government of Canada, as the guardians of the Indians, to protect ? and

7. Whether the oak timber upon the seigniory does not still belong to the Crown, and whether it is not the property of Canada, under section 91, sub-section 7 of the British North America Act, 1867 ?

I have the honor, etc.,

DAVID MILLS,

Minister of the Interior.

Department of Justice,

Ottawa, the 9th January 1878.

To the Honorable David Mills,

Minister of the Interior,

Sir,—In answer to your communication of the 20th Nov., relating to the claims of the ecclesiastics of St. Sulpice and the Oka Indians to the seignior of Two Mountains, accompanied by [1] a copy of the petition to the sieurs de Vaudreuil and Bégon, governor and lieut.-governor and intendant of Canada, by the seminary of St. Sulpice ; [2] the patents to the ecclesiastics of the seminary of St. Sulpice, dated the 17th october 1717, and ratified by the King of France on the 27th april 1718 ; [3] the concession of the 26th september 1733, by the Marquis de Beauharnois, subsequently ratified by the King of France on the 1st march 1735 ; and [4] the opinion of Mr. Spragge and the report of the Hon. Mr. Langevin of the 9th october 1868, approved by council 24th of may 1869. And I also note the petition of the Indians of the 26th November, and the considerations which you submit for advice.

The seminary rest their title as absolute proprietors of the seignior of the Lake of Two Mountains : First, on the grant of the 17th october 1717, by the governor of Nouvelle France, to the ecclesiastics of St. Sulpice, confirmed on the 27th april 1718, by the French King Louis XV ; and on another concession of the 26th september 1733, confirmed by the French

King on the 1st march 1735. Second on the ordinance of the special Council, 3 and 4 Vict., chap. 30, entitled "An Ordinance to Incorporate the Ecclesiastics of the Seminary of St. Sulpice, and to confirm their title to the fief and seigniory of the Lake of the Two Mountains," etc.

The question to be determined is, What are, under these titles, the obligations of the Seminary and the rights of the Indians? The first grant was made, as appears by the title itself, on the petition of the gentlemen of the Seminary of Montreal, which sets out that it would be to the advantage of the Mission of the Indians of Sault-au-Recollet, in the island of Montreal, of which they had charge, if it were transferred to the North-West of the lake of Two Mountains, where the Indians would be more removed from temptation to Drunkenness. On this petition the Governor, representing His Majesty, grants to the Ecclesiastics three leagues in front of the Lake of Two Mountains by three leagues in depth—a property to be absolutely enjoyed by them and their successors, even if the Mission be removed thence ("pour en jouir à perpétuité par les dits sieurs Ecclésiastiques, leurs successeurs et ayant cause, quand même la dite mission en serait ôtée, en pleine propriété à titre de fief et seigneurie.") The condition stated in the grant is, that they shall incur the necessary expense for the transfer of the Mission, and erect, at their expense, a church and a stone fort for the protection of the Indians ("à condition qu'ils feront à leurs dépens toute la dépense nécessaire pour le changement de la dite mission, et d'y faire bâtir, aussi à leurs dépens, une Eglise et un fort de pierre, pour la sûreté

"des sauvages") ; that they shall keep, or cause to be kept, house and home on the said concession ; that they shall preserve the oak timber fit for ship building which may be found upon the land which they shall set aside for their principal manor, and shall stipulate for the reserve of such oak timber within the extent of the private concessions made or to be made to their tenants, which said oak timber, His Majesty shall be free to take as well as the said tract of land for the fort, if found necessary, without being held to pay any indemnity ; also that they shall give notice to the King or to the Governor of the mines, ores and minerals, if any are found within the limits of the said fief ; that they shall concede the said lands under a simple title, and dues of twenty sous and a capon for each and every arpent frontage. By the second grant an additionnal tract of land was given on the same terms extending in rear of the first one, and the Ecclesiastics were relieved from the obligation of constructing the fort. By the confirmations by the French King, the grant is mentioned as being made to the Ecclesiastics to transfer the Mission of the Indians of Sault-au-Recollet with which they were charged, on the same conditions as above mentioned.

The statute confirming the above grants has not subtracted from or added to any of the obligations of the grantees towards the Indians. It gives a more precise and extended definition of the meaning of the Mission, and made it a perpetual charge on the entire property of the grantees by specifying that the same should be employed for the mission of the Lake of Two Mountains, for the instruction and spiritual care of the Algonquins and Iroquois Indians, whilst the

original titles mentioned only that the grant of the seigniority of the Lake of Two Mountains was made to transfer the mission of which they had charge at the Sault-au-Recollet.

There is nothing in the provisions of the original grants which could be construed as giving any right in the property in favor of the Indians, except the advantage of having a mission. However strictly examined, it is impossible to extract from the title any other obligation imposed on the grantees than that of transferring the mission as it existed at Sault-au-Recollet, and of erecting a church on the territory conceded by the Crown. What constituted a mission, and whether it was continuous and perpetual or only a temporary establishment is left undetermined. There can be however, no new obligation resulting from the terms in the title. It is the mission which existed, and as it existed at Sault-au-Recollet, of which there the seminary was in charge, or with which they were charged, according to the words in the grant. Beyond the obligation to transfer this mission to the Two Mountains, there is no other condition imposed on them, and if it were a voluntary creation on their part, without any duty devolving on them by antecedent contract, no further burden was exacted from them in the concession of the seigniority of Two Mountains. It would, therefore, be incumbent on those who claim that by the original title, the Seminary was bound to maintain in perpetuity this establishment, and that the transfer of it implied its continuance and maintenance *ad infinitum*, to show that its foundation was settled by a positive undertaking on their part. The words of the title give a

temporary and casual character to its existence. The property is given absolutely to the grantees for ever, even if this mission is taken away. It contemplates, therefore, the contingency of its ceasing without impairing the conveyance, and without reserving any rights to the Indians, or exacting for them compensation equivalent or like service when discontinued. If, notwithstanding the removal of the mission, the property remained in the Seminary, the conclusion must be that the Indian rights existed only in so far and so long as they were attached to the mission, and that they disappeared with it. The property is not given on the condition of maintaining a Mission, but upon the transfer of the mission, which is used as the occasion or the motive of the grant ; if the mission existing at Sault-au-Recollet was established by their own will without any specific obligation in a previous title, it was only that mission which they asked to remove to a greater distance, in order, as they state in their petition, that the Indians might be removed further from the city and from temptations to drunkenness. The facts disclosed by these titles, that the mission was originally established at Montreal, and subsequently at Sault-au-Recollet, indicate sufficiently that it carried with it no right to the soil or any proprietary right in favor of the Indians, as it never was contended that they had or enjoyed any rights at either of the former places, the land having been granted exclusively and absolutely to the white settlers.

Admitting, however vague the terms used, that it was a condition attached to the conveyance that the Ecclesiastics were not only to transfer to, but to

maintain perpetually, a mission in the Seigniorship of Two Mountains, it becomes necessary to determine what is the import and meaning of the word *mission*. As used in the grants, the word mission signifies a place for conference or *rendez-vous* for religious instruction. The word is not, properly speaking, English. It originated with the *missionnaires* who accompanied the French discoverers of this part of the continent. It was a spot selected by them beyond the principal establishment for the purpose of congregating the savages and instructing them in the gospel. The only advantage secured to the Indians by the mission was the ground so selected where they were invited to meet for religious instruction after their excursions through the wilderness, to procure means of subsistence for themselves and families. No building or establishment other than that of the church is ever found attached to the idea of a mission, except in some exposed situations, when a fort was added thereto. It was only after a fort was built and a commercial centre created, that lands were cleared in the vicinity by the French traders, for the supply of such people as established themselves there. The "Dictionnaire de Trévoux" of 1771 gives the following definition of the word *mission* :

"Se dit aussi des établissements, ou des exercices
 "de ces gens zélés pour la gloire de Dieu, et le salut
 "des âmes qui vont prêcher l'Evangile chez les infidèles, et chez les peuples fort éloignés, *Missio*. Les
 "ordres religieux de St. Dominique, de St. François,
 "de St. Augustin et les Jésuites ont des missions à la
 "Chine et en tout l'Orient et même dans toutes les
 "parties du monde où on a pu pénétrer, les autres re-

"ligieux et congrégations en ont aussi, surtout les
 "mendiants et missionnaires des *missions* étrangères.'
 According to this authority, which was contemporaneous with these establishments, it signifies an establishment or exercise of people who for the glory of God and the salvation of souls, went to preach the gospel to the heathen and far distant nations. The word *mission* was adopted in this sense by the English throughout the continent as conveying the same meaning. In his "Discovery of the North West," p. 35, Pandman says: "The various missionary stations were much alike. They consisted of a chapel (commonly of logs) and one or more houses, with perhaps a store house and a workshop, the whole fenced with palisades, and forming in fact, a stockade fort surrounded with clearings and cultivated fields. It is evident the priests had need of other hands than their own and those of the few lay brothers attached to the mission. They required men inured to labor, accustomed to the forest life, able to guide canoes and handle tools and weapons. In the earlier epoch of the *missions*, when enthusiasm was at its height, they were served in great measure by volunteers who joined them through devotion or penitence, and who were known as *donnés* or given men. Of late the number of these had much diminished and they relied chiefly on hired men or *engagés*. These were employed in building, hunting, fishing, clearing and tilling the ground, guiding canoes, and, if faith is to be placed in reports current throughout the colony, in trading with the Indians for the profit of the missions." Shea's "American Catholic missions" says: "The French plan [of

"missions] was different. The missionary planted his
 "cross amongst the heathen and won all he could to
 "the faith and whenever he could form a distinct
 "village of Christians ; but these villages were never
 "like the missions of the spanish missionaries. The
 "French priest left his neophyte free, setting him no
 "task, building no splendid edifices by his toil. The
 "French mission was a fort against hostile attacks
 "and enclosed merely the church, mission house, and
 "mechanics shed, the Indians all living without in
 "cabins or houses, and entering the fort only in time
 "of danger."

The people for whose use such missions were established, acquired no more rights in the property than the congregations which attend camp meetings could claim to the lands which have been set aside for the use of their religious exercise. No where and never was it held to imply the obligation to feed and shelter the flock. It is therefore evident to me that the grants relating to the seignior of Two Mountains do not disclose the fact that it was the intention of either the Crown or the Seminary to give or acknowledge any claim of Indians residing either at Montreal, at Sault-au-Recollet, or at Two Mountains, any right in the soil, but only to secure to them a spiritual benefit totally distinct from the grant of the land or any easement thereon, leaving the missionaries to use the property in the exercise of their duties, as they deemed most advisable consistently with their duty.

Another conclusion, or reason, against the supposition that any rights were intended to be secured to the Indians besides the contemplated removal of this

mission at any future period, result evidently from the obligation imposed on the grantees to the disposal of the property on the ordinary feudal terms, making it imperative on them to have the land settled and cleared forthwith, under penalty of having the same remitted to the public domain (*à la condition de désarter et faire désarter incessamment.*) This was the condition attached to the title as well of all other seigniorial titles in Canada granted by the French Crown.

The judgment of the Seigniorial Court, composed of all the judges of the Superior Court and the Court of Queen's Bench of Lower Canada constituted for the purpose of defining the principles of the feudal law pronounced on the 11th march 1866, held that by the laws of the country previous to the conquest, the proprietor of every seigniority was bound to make grants within the seigniories on the usual seigniorial charters whenever requested so to do ; and by their title, the seminary was bound to concede its lands within the seigniority of Two Mountains at the above mentioned rate of twenty sous and a capon for each arpent in front by forty in depth. If, on the one hand, the Seigniors were found to grant the lands to censitaires on such terms whenever requested, and if, on the other, they could not grant them to the Indians, to what do the rights of the Indians in the property amount ? It will not be held that the Indians, either under the French or under the English Sovereignty, were ever considered as capable of holding lands or of contracting, and no trace can be found of any concession or grant of any seigniorial property having been made to an Indian either in Two Mountains or elsewhere. The Seminary of

Montreal was therefore bound to and did legally carry out their obligation to dispose of the land to white settlers.

The inference that because this grant was accompanied by the condition of transferring the mission, the interest in the property in favor of the Indians would follow, is refuted by the existence of numerous grants made at the same period by the French Crown in favor of the Indians for their own benefit. Several grants were made at that epoch in their favor in terms different from those used in the one in question, as may be seen in the collection of titles relating to the seigniorial tenure. On the 13th march 1651, the seigniorie of Sillery was granted to the Indians directly through the Jesuits who were to hold for them in *franc alleu*, and not in seigniorial tenure, and such of the land within the seigniorie as had been granted to French settlers was reserved, but the rents transferred to the Jesuits for and as the property of the Indians. On the 5th march 1697, another grant was made to the Jesuits for the Abenakis in full property for their settlement and occupation. On the 29th may 1680, Louis XIV granted to the Jesuits for the Iroquois Indians at Sault St. Louis (Caughnewaga), a large tract of land which is still held by them. These grants, instead of being made as a seigniorie, are made directly and absolutely to the Jesuits for the Indians and for their settlement and maintenance, and with the condition that when such lands shall be abandoned by them, they shall revert to the Crown. This conclusively shows the difference between a grant made with the object of establishing a mission and a grant made in favor of Indians for settlement and occupation.

According to my opinion the original title far from bestowing any special privilege or establishing any particular trust on the gentlemen of the Seminary in favor of the Indians, merely obliged them to erect a Church at Two Mountains, which they were not even bound to maintain at their own expense and to give religious instruction so long as they thought it required for the evangelization of the savage tribes. Our code has laid down the rules by which such contracts should be interpreted. Article 1019 says: "In case of doubt the contract is interpreted "against him who has stipulated, and in favor of "him who has contracted the obligation." Article 1020: "However general the terms may be in "which the contract is expressed, they extend only "to the interest concerning which it appears that the "parties intended to contract."

Although the right of the Seminary to hold the lands given to them by the French Crown was put in question after the conquest, not by reason of its validity, but on the ground that they being a foreign corporation and incapable of alienation to a new corporation, and although the claims of the Indians to the lands in question were on several occasions brought forward, they were invariably disposed of as having no foundation. On the 4th november 1763, the Military Court of Lower Canada, constituted by Ralph Burton Brigadier-General and Governor of Montreal, previous to the establishment of Civil Government, pronounced a judgment in a case wherein the Seminary of Montreal claimed the ejectment of one Vanderhayden a merchant, who had purchased land in the seigniory of the Lake of Two Mountains

from the Indians, sustaining the right of the Seminary to the house and lands, and affirming that the Indians, when they undertook to sell had no right or title, and Vanderheyden was ordered in consequence to quit possession of the house and lands. In 1789 the Indians of Two Mountains advanced the same claims against the Seminary as those made by them at this day and presented a petition to the right Honorable Lord Dorchester, then Governor General of Canada, in which they stated that they had been induced by the priests to leave their abode at Montreal and go to the Sault-au-Recolet where they lived for twenty three years and were again induced to remove this time to Two Mountains, on the promise that they would have the land there as their own property. After hearing both parties and setting out at length the papers and agreements, the law officers of the crown the attorney-General and Solicitor-General, Messrs. Monk and Williams reported as follows: "With respect to the claim of title by the Indians to the Lake of Two Mountains to the fief of that Seigniory, Whatever ideas they might have entertained of a title, we cannot perceive any such right in them and this report was sanctioned by the council on the 20th march 1789.

No further assertion of right in the Seigniory was set forth by them or on their behalf until the year 1868, as will be hereinafter set out :

The only difficulty which was entertained was with respect to the right of the Seminary to hold the seigniories, and the question of their having vested in the crown by the conquest of the provinces. In 1841, the statute 3 and 4 Victoria cap. 30, was passed which

removed whatever doubts and difficulties might have arisen as to the right of ownership by the seminary of the several seigniories by them held, and Her Majesty signified her Royal pleasure that the right and title of the said Ecclesiastics of the Seminary of St. Sulpice to the said several fiefs and seigniories should be absolutely confirmed, subject to the provisions, conditions and limitations agreed to and accepted by them. By this act the members of the Seminary of St. Sulpice and their successors were created an Ecclesiastical corporation with perpetual succession, by admitting and electing new members, according to the rules of their foundation, and the practice of them therefore followed. By section 2 of this act the right and title of the Seminary in and to all the said seigniories and their dependances is thereby confirmed and declared good, valid and effectual in the law ; and it is declared that “ The said corporation shall have, hold and possess, the same as “ proprietor thereof, as fully, in the same manner and “ to the same extent as the ecclesiastics of the seminary of St. Sulpice of the Faubourg of Saint Germain, Leg Paris, or the seminary of St. Sulpice of Montreal, according to its constitution, before the “ eighteenth day of september, which was in the year “ one thousand seven hundred and fifty nine, or either, “ or both of the said seminaries might or could have “ done or had a right to do, or might or could have “ held, enjoyed or applied the same, or any part thereof, previously to the last mentioned period, and to “ and for the purposes, objects and intents following, “ that is to say, the cure of souls within the parish “ (la desserte de la paroisse) of Montreal ; the Mission

“ of the Lake of the Two Mountains, for the instruc-
 “ tion and spiritual care of the Algonquin and Iro-
 “ quois Indians ; the support of the petit seminaire or
 “ college at Montreal ; the support of schools for chil-
 “ dren, within the parish of Montreal ; the support of
 “ the poor invalids and orphans ; the sufficient sup-
 “ port and maintenance of the members of the cor-
 “ poration, its officers and servants ; and the support
 “ of such other religious, charitable and educational
 “ institutions as may, from time to time be approved
 “ and sanctioned by the Governor of this Province for
 “ the time being and for no other objects, purposes or
 “ intents whatsoever.”

This ordinance must be considered as a good title
 to the property so declared to belong, from and prior
 to the conquest of Canada, to the seminary of St.
 Sulpice and its representatives. No administrative
 act, provincial or federal, can impair its value, modify
 its terms, or restrict its operation.

An important modification is introduced into the
 original grant by this act. The entire property of
 the seminary, comprising all the seigniories, is secured
 for the joint and several purposes mentioned and
 defined therein, although they were not collectively
 specified in the original grants, that is to say : “ The
 cure of souls within the parish of Montreal ; the mis-
 sion of the Lake of Two Mountains for the instruc-
 tion and spiritual care of the Algonquin and Iroquois
 Indians ; the support of the Petit Séminaire or Col-
 lege of Montreal ; the support of schools for children
 within the parish of Montreal ; the support of the
 poor, invalids, or orphans ; the sufficient support and
 maintenance of the members of the corporation, its

officers and servants; and support of such other religious, charitable and educational institutions as may from time to time be approved and sanctioned by the Governor, Lieutenant-Gouvernor or person administering the Government of the Province for the time being, and to or for no other objects, purposes, or intents whatsoever." So that the seigniority of Two Mountains, together with all the other property therein mentioned, is as well reserved for these several purposes as the property in Montreal. As previously remarked, a wider definition is given to the mission than that contained in the original Charter. The mission of the Lake of Two Mountains is defined to be for the instruction and spiritual care of the Iriquois and Algonquin Indians, and no more. This statute constitutes a solemn contract between the Government and the corporation thereby created, securing to the latter an irrevocable and unquestionable title to the land which they therefore had possessed. The franchise granted cannot be questioned, and cannot be repealed or rescinded except by judgment of court for forfeiture regularly obtained. It is a principle of constitutional law that even Parliament cannot annul or revoke or modify the grant as an act of ordinary legislation. It can do so only by virtue of the omnipotency of its powers, if the condition or objects of the charter have not been properly and legally fulfilled. The proceeding is by *quo warranto* or information to be taken and followed in the courts of the Province of Quebec, according to the law of the Province, at the suit of the Attorney-general. When the public authority found proper to grant this franchise on these conditions, it decided

for itself and for the public generally, and no additional charge or burden can be imposed on the grantees without their consent or without previously forfeiting the charter for some just cause. The act 3 and 4 Victoria does not add to or substract from obligations by the grantees. On the contrary, it enacts that the corporation constituted by the original grantees should have and did possess the property in same manner and to the the same extent as ecclesiastics of the seminary of St. Sulpice of Paris, or the seminary of St. Sulpice of Montreal according to its constitution, before the 18th september 1759, might or might have done or had a right to do.

To secure any other encumbrance, easement or condition as attached to such a grant, it must be clearly and formally expressed. No court of justice would construe or infer any other obligation from such vague and indefinite annunciations. It is as-
 sented and not denied that the Indians who constituted the settlement round the church at Oka enjoyed the use of such land, and were allowed, since their establishment, the fuel used in the building and repairing their houses, and they, therefore, claim that the enjoyment of such advantages, constitute for them a right to which they are legally entitled. It is undeniable that by the grants no such rights have been established in favour of the Indians. According to the petition presented to His Excellency by the Indians, they claim that since their establishment they had been in posession of an enclosed common as a field for pasturage. Whether the Indians claim the use of the land as a pasturage, as a right to cut wood,

or in respect of the houses as a right of habitation, or as any of the rights dependent upon real estate, such as the right to enjoy the fruits of the same, it is within the meaning of the provision of the Law of Quebec a "servitude," or in the English sense, an "easement." If the property was, by the titles, granted to the seminary, the Indians had only a right of use, which, according to the code, article 487, is defined "a right of use is a right to enjoy a thing belonging to another, and to take the fruits thereof, but only to the extent of the requirement of the user and of his family." When applied to a house, right of use is called right of habitation. Article 494 says : "He who has right of use can neither assign or lease it to another." Article 497 says : "A right of habitation can neither be assigned or leased." According to the law of the Province of Quebec as first introduced, and as it has ever since remained, no easement or servitude except those in favor of the public can be claimed or obtained on any real estate except by title. Article 509 of the code says : "No servitude can be established without a title. Possession even immemorial is insufficient for that purpose." Article 550 says : "The want of a title creating the servitude can only be supplied by an act of incorporation proceeding from the proprietor of the land subject thereto." The Indians in the present case do not pretend to have any such right of title, and the seminary assert that whatever privileges they accorded to them were acts of toleration, consequently the claim of the Indians is justified by no recognised principle of Law.

By the seigniorial act of 1854, all seigniorial rights

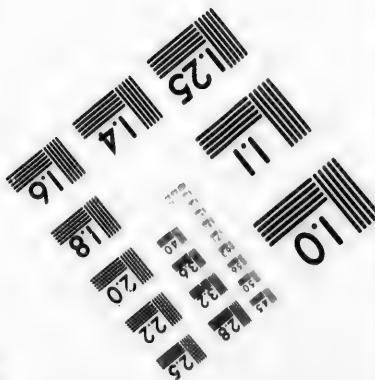
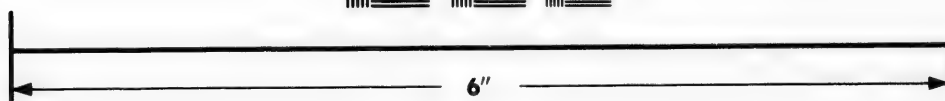
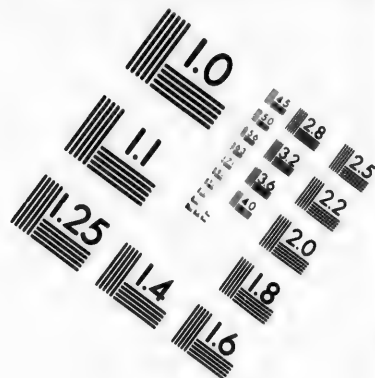
were abolished, and the indemnity fixed by law, as compensation to be paid to the seigniors for such land as has been previously granted, subject to seigniorial dues ; and such of the land as had not been disposed of, was by the act declared to be thence forward the free and absolute property of the seignior in free and common soccage [*franc alleu roturier*]. This seigniorial act was extended to the seigniories of Montreal, St. Sulpice and Lake of Two Mountains by the act of 1857. The shedule or cadastre was made by the commissioners appointed by Government, after notices duly published, inviting all parties having any claims against these seigniories to present the same, as they were to be determined according to law by the commissioners who had to fix the exact amount of indemnity to be awarded to the seigniors, and determine the charges thereupon. By section 7, the commissioner was bound to value the several rights with regard to each seigniory, upon each seigniory, upon each parcel of land, to give the extent of such land according to the title of the owner, if produced ; and whether it was held for agricultural purposes or is a mere emplacement or building lot. By section 11 of this act [sec. 8 of cap. 41 con. stat], it is enacted : " For the purposes of this act, every person occupying or possessing any land in any seigniory, with the permission of the seignior or from whom the seignior has received rents or other seigniorial dues in respect of such lands shall be held to be the proprietor thereof as censitaire." The Indians of Two Mountains fyled no claim whatever, and none of them are mentioned in the schedule of the seigniory as proprietor, owner or occupier,

whilst seven parishes within the seigniority were settled and occupied by censitaires whose names are given as holding grants by themselves or their predecessors from the seigniors, viz : St. Joseph, St. Benoit, St. Placide, St. Hermas, Ste. Scholastique, St. Jérôme and St. Columban. The indemnity to be paid the seminary for such of the seigniorial rights as were abolished was determined by the Commissionner, and the unconceded or ungranted lands remained and were attributed to them by law as their own absolute property, in franc aleu roturier, free from all claim and charges whatsoever. At the date the above mentioned act was passed, whatever grants had been made in the Seigniority of Two Mountains had been so made to white settlers. Whatever remained in a wild state before the Seigniorial Act was, by the law, subject to be opened up and settled.

The only remaining question to determine is, whether are the lands freed by the Seigniorial Act from all seigniorial obligation and qualified as the absolute property of the Seigniors, the Indians have any and what claims ? It cannot be contended that they have a right to the land. They never had any right before the abolition of the seigniorial tenure, and they certainly have not acquired any legal claim since.

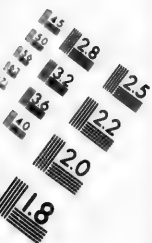
Assuming, therefore, the legal obligation annexed to the title, as explained more fully by the statutory charter, to be the maintenance of the mission of Two Mountains for the instruction and spiritual care of the Indians, the only question remaining is, whether they have fulfilled that obligation, and if not, can they be compelled to perform it according to the strict interpretation of the Charter ? It cannot be contended

with any sincerity that the then Government of France which made the grant, and were unquestionably entitled to the land, and the parties who received it, intended to impose or to accept the condition of teaching any other doctrines than those which were then acknowledged and deemed correct by both the granters and the grantees. The obligation created was that of a Catholic mission established by a Catholic Government, to be fulfilled and maintained by the grantees by preaching the gospel according to their faith and belief. When the grant was confirmed by the British authorities in 1841, it was confirmed in favor of a Catholic body of clergymen, and it never was contemplated by those who accepted the confirmation of the title that they would be bound to instruct the Indians in a different faith or to impart doctrines contrary to their own consciences and belief, more particularly when the statute declares that they are constituted an ecclesiastical corporation and to hold and possess their property in the same manner and to the same extent as the Ecclesiastics of the Seminary of St. Sulpice of Paris or the seminary of St. Sulpice of Montreal, held the same before the 18th day of December 1759. The confirmation in any other sense would not have been validating their title, but would have been equivalent to a confiscation. It is not denied, or put in question that the seminary have been maintaining a catholic church and offered instruction according to their doctrines to the Indians. If so their duty is fulfilled, and they are relieved from further obligation. If the Indians refuse their ministrations, the property to which such burden was attached remained theirs by the terms of the grant.



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Any other view would imply that when such ratification was given they should be bound, if the Indians changed their faith to follow them and conform with their spiritual modification or else supply them with lands and all necessary means of securing their spiritual comfort. If such a pretension be correct, it may as well be asserted that because the seminary is bound by their charter to the spiritual care of the parish (*la desserte de la paroisse*) or spiritual instruction of the inhabitants of the parish of Montreal, that they are bound to contribute to the assistance of the protestant congregations. If it be imposed upon the seminary that they shall afford places of worship to the Indians other than those which have been maintained since the grant was made, the conditions of the title are subverted, and it would be as proper and legal to insist that because the conditions of things have altered since the grant was made, that the remaining property which is also left to their administration should be applied to the support of protestant schools, protestant churches and charities. However advantageous this might be in the opinion of many, such was obviously not the intention of the grant, and such were not the conditions attached to it.

Keeping in view the fact that the corporation in this case is, in the eyes of the law, nothing but a legal person, the case will be more easily solved by comparing it to a grant of property made by a protestant individual with the obligation to erect a sunday school, or some protestant religious establishment. In such a case, could there be any question raised if a catholic congregation would pretend, on the strength of such a grant, to take possession of the ground, and

take the materials required for the building of a Catholic institution ? the two cases are, however identical. The individual charged with the trust in such a case could be justified in treating the intruders as trespassers, and the law makes no distinction between the ownership of the property by a legally recognised corporation, and that by any individual catholic or protestant, no alteration can be made in a grant without the consent of the parties thereto. When Henry VIII abolished the monasteries in England, it was not by virtue of any change occurring in the opinions of the community, but by virtue of the surrender and consent of the parties holding the property, as is shown by the statute, chapter 13 of 31 Henry VIII, in the preambles of which it is stated that it was " of their own free and voluntary minds, good wills and assents, without constraint, co-action, or compulsion, of any manner of person or persons * * * of the divers and sundry abbots, priors, abbesses, prioresses and other ecclesiastical governors * * * by their sufficient writings of record under their convent and common seals, have severally given, granted, and by the same, their writings, severally confirmed all their said monasteries." The property of those who refused to give their consent, was subsequently confiscated, after process of law obtained by the regular courts for violation of the laws of the realm. In every country where grants made for religious or charitable purposes were afterwards questioned, and their use diverted, the process adopted was not a claim on the part of some of the interested parties to have a portion of the property applied for their benefit by rea-

sons of a change of circumstances differing from those existing at the origin of the grant, but whenever such necessity occurred, the society of commonwealth itself, through the legislative authority, by virtue of its omnipotence investigating the condition of the grant and pronouncing judgment on its inefficiency or uselessness, cancelled it and resumed the property for better destination, and this is the only course left open to those who desire a modification in the administration of this property. Moreover, property whether belonging to individuals or to corporations is, by the Constitutional Act, left entirely to the control and regulation of the local government, and they alone have the authority and power to amend the charter and established laws by which its purposes objects and conditions can be extended or modified. So long as this title remains as it now stands, sanctioned, and confirmed by the statute, it must be construed and observed in good faith as an ordinary contract between man and man. The common principles of honesty and law and the interests of society command that no one should be disturbed in the enjoyment of his property or subjected to vexations, inquiries or persecutions, on the sole ground that the property might be better employed for a portion of the community, however deserving of sympathy, or however laudable the object may be.

The only matter for consideration by the government is to ascertain, in the interest of the Indians, whether compliance has been legally made with the terms of the contract, and if so its duty as guardian of these people, is to inform them of their true position in order to prevent them from entertaining illu-

sory hopes or expectations which can only bring trouble and disaster.

The complaint made by the Indians relates exclusively to the execution of a judgment pronounced by the Superior Court of Lower Canada, which ordered them to desist from the possession of a piece of land of which they had taken possession as belonging to them for the purpose of constructing a protestant church. It is impossible for the government to prevent the execution of a solemn judgment of Her Majesty's court. It is to be regretted that the case of the Indians was not properly and fully set out in order to allow the courts of justice to adjudicate on the respective claims of the parties which would in all probability have silenced further recriminations and set the matter at rest. I would advise that the seminary be asked to desist from the judgment by them obtained by default and that the defendants be placed in the same position as they stood before default was entered in the cause, with a sufficient delay given to allow the Indians or those who take charge of their interest to file all the pleadings which they may think proper to urge on their behalf; and if the claims of the Indians be declared unfounded, that all costs and expenses be paid to the seminary, as it is impossible otherwise for the government to prevent the execution of a judgment of Her Majesty's court which is to be received as conclusive in favor of the party who obtained it as to the respective rights of the parties at issue, until regularly set aside.

The subject of the Indians rights in the seigniori has already undergone the investigation of the government of this Dominion within a few years, and

they were pronounced groundless. On the 24th may 1869, a petition of the same parties, the Algonquins and Iroquois Indians of the Lake of Two Mountains, setting forth the same pretensions as those asserted in the petitions now submitted, was addressed to the governor general, questioning also the right of the seminary to the land and wood in the former seigniory, and his Excellency in council approved of a report made on such claims to the effect that the Indians had no right in the seigniory of Two Mountains, and that the said seigniory was the absolute property of the seminary of St. Sulpice who had complied with all the requirements of their charter.

It may be also a source of painful regret that after so long a residence on this territory, the Indians have not the advantage of securing for themselves a place of worship according to their religious convictions. The question however is not one of sympathy, but one of absolute right and of the respect due to the unquestionable claims of property and submission to the decision of the courts of justice. It might be proper to consider, under the circumstances, whether some assistance and provision should not be made in favor of the Indians to secure what the law under the circumstances denies to them ; but, having to determine a question of right, under clearly defined titles and positive legal enactments, I find it impossible to arrive at any other conclusions than those above stated.

The reservation of the oak in the grant does not detract from the right of property. The same reservation was made by the french government in every title granting a seigniory. The terms of the grants

are to the effect that the seigniors shall preserve oak timber fit for ship building which may be found within the limits of the land which the said sieurs of the seminary shall have set aside for their principal manor house, and they shall also stipulate the reserve of such oak timber within the extent of the private concessions made or to be made to their tenants; that his majesty shall be free to take the said oak timber when required, without being held to pay any indemnity; and also, that they shall give notice to the king, or to the governor or intendant of the mines, ores and minerals, if any be found within the limits. The reservation is made exclusively for his majesty for shipbuilding and when required, and consequently, if it existed at this hour, a proposition which cannot be legally objected to, it could be claimed only by her majesty for shipbuilding and when required. It was a seigniorial obligation, which, according to the terms, could be enforced against the seigniors only on the land which they held as their private domain, the further obligation in this respect being on their part to stipulate this reserve in the sub-grants that they made to the censitaires. By the seigniorial act of 1854, the seigniorial obligation of this reserve was abolished, and the property became free from this obligation as well that of the censitaires as that of the seigniors. Moreover, the government, supposing the reservations to be still existing, have no more right to exact it from the seminary than from any other seigniorial land in the province of Quebec. It has never been enforced either under the french government or since the conquest. The government cannot claim power to divert the reservation in favor of the Indians, or to any

other use than that of building ships for her majesty. The reservation has therefore, I think no bearing upon the case in question, and can afford no additional support to the claim of the Indians to one property. I return herewith the papers which you enclosed me.

I remain,

Your obedient servant,

R. LAFLAMME,
Minister of Justice.

OPINION OF THE HONORABLE
WILLIAM BADGLEY.

In the matter of the Seigniorship of the Lake of Two Mountains and The Oka Indians.

The Opinion of Counsel is requested upon the following Inquiries.

First.—Does the title of the Corporation of the seminary of Montreal confer upon that body, the absolute ownership of the property known as the Seigniorship of the Lake of Two Mountains ?

Second.—Have the Indians, known as the Oka Indians, any lawful proprietary claims to that property ?

A brief reference to the early history & administration of New France called Canada is necessary as explanatory of the answers to the above inquiries, specially in reference to the title of the seminary of Montreal.

The discovery of the River St. Lawrence by Jacques-Cartier was promptly utilized by French adventurers both the quoniam and Roman Catholic, for trading purposes with the natives of the country, and especially for the trade in furs, which in time became as profitable as to attract the notice of the French Kings, who appreciating the importance of coloni-

zing the country, found it their interest for that purpose to encourage the private enterprises with material assistance, and finally sanctioned the formation of a commercial company called "La Société du Canada" who were to combine the extension and maintenance of their trade with the gradual settlement of the country from the trading localities where the traffic was carried on.

The religious dissensions of the adventurers among themselves however became so violent, and their wilful disregard of the royal design of settlement became so manifest, that the king at once arrested all private trading enterprises and dissolved the company recently established, substituting afterwards in its place the great proprietary company of the 100 associates in whom was concentrated all the available trade of the country, and to whom was granted in full property and domain all the lands of the colony, with many other privileges, and specially with power to subgrant their land at their pleasure, but subject to the king's supremacy, and under the special conditions that the company would do their utmost to colonize New France and christianize its native inhabitants.

Although colonization and settlement were the chief purpose and design of the Royal will in the formation of the company of the associates, these objects were restricted exclusively to native born French emigrants of the Roman Catholic faith, and were accompanied by a direct and immediate application given to the generally prevalent desire in France at the time, for the propagation of christianity, by the conversion of the aboriginal inhabitants of the colony to the Roman Catholic faith of the Kingdom, in

favor of which the Letters Patent of the company declared, that the canadian born descendants of French inhabitants of the colony and the christianized savages should be held to be natural born subjects of France with every privilege belonging to that right, without requiring letters of naturalization therefore.

The company of the associates was a lamentable failure and terminated its few years of precarious and unprofitable existence in utter insolvency, and after a fruitless effort by the king to continue the proprietary scheme by another company which was likewise a failure, he was compelled to resume his grant, and converting Canada into a Crown Colony, brought it under direct royal governance and administration by Royal officers, the Colonial governor and Intendant, the company leaving no record of its existence except some improvidently large grants of unoccupied lands, a very few scanty settlements and some scattered Indian missions.

The king's resumption of the company's grant of the country did not alter its original nature, because by the public law of France, lands occupied abroad by conquest, discovery, or possession were not united to the personal royal domain, but remained lands lying in grant, at the king's disposal for public uses or to reward the meritorious services of his subjects, the law allowing his disposal of them upon such terms as he might please, but retaining over them his supremacy and sovereignty which he could not transfer away. His grants and alienations might be perpetual or temporary, free of charge or duty and even in *franc aleu*, free socage, but subject to his sovereign power: " His letters patent for such grant being held as act

" of Legislation, the most essential part of sovereignty, to be respected and followed as other laws until changed by like competent legislation," [Souveraineté du Roi 1er Vol : No.82] thereby enabling the king to continue the fixed policy of settlement for raising up a *powerful self supporting colony for France*, by a system of seigniorial grants, direct from the king to the grantees according to the feudal tenure of the custom of Paris for such grants, with power to subgrant to land tenants and to cultivators, which was considered to be the most efficacious mode of promoting settlement in the new country : the seigniorial grants being however strictly under the condition of effecting prompt settlement and cultivation, as the special objects of the grant, generally declared in the French technical words "*de tenir ou faire tenir feu et lieu sur la dite concession*" to keep and cause to be kept house and home on the said concession, or "*de tenir ou faire tenir feu et lieu par leurs tenanciers dans l'an et jour*" to keep or cause to be kept by their tenants within the year and day, house and home, and with the following addition "*de désarter et faire incessamment désarter la dite terre*," to clear immediately or cause to be cleared the said tract of land, with reservation to the king of all mines and minerals for his profit, and of all the oak timber fit for ship building on the grant for his marine service : and with subjection to the penalty of resumption of the seigniorial grant on breach of the special conditions of settlement.

It is manifest therefore that to subdue the wilderness and to plant a population from the parent state, in other words, colonization and settlement, were the

paramount objects of the Royal policy, and not the mere conversion of the american savages, or the holding of large tracts of serviceable land as wild and unprofitable hunting grounds ; yet though the seigniorial grants were intended for early settlement, the means to be employed and used for accomplishing the purpose were left altogether to the seigniors themselves, who, however, more or less frustrated or evaded the Royal design, thereby occasioning reiterated Royal complaints and threats of resumption of the grants, from the seigniors, willful delay in performing their settlement duties ; all showing the tenacity of the Royal insistence of settlement to be effected upon the seigniories, under the threat of enforcing the reunion penalty attached to the grant, which in fact was, from time to time, actually enforced against negligent seigniors, and specially under the Royal declaration of 1743, when reunions to the Domain were made of more than twenty seigniories in one year.

The Colonial Governors first, and afterwards jointly with the Colonial Intendants, were authorized to make preliminary grants of land, *en seigneurie*, which were subject to and became effective upon the Royal ratification by letters patent, required to be applied for within the year of the issue of the preliminary grant. The Royal intervention being always a part of French Colonial policy executive and administrative, and particularly in the cases of lands, which enabled the king to control them, by the terms and conditions expressed in his letters patent of ratification giving Legislative effect to the grant by the mere exercise of his royal power, as the sole Legisla-

tor for the Colonies, and in effect, making the ratification to all intents the actual grant, therein exhibiting the will and pleasure of the king and, as above, expressing the king's command and conditions of grant, and adopting a familiar english law maxim as to grants, shewing that the habendum was controlled by the expressed grant and promises of the ratification.

Whilst colonization was in this way promoted by the Royal authority, the Evangelization of the country was not disregarded because it was in harmony with popular feeling, but only as in connection with colonization and settlement, the quixotic notion never being entertained by the French Kings that their *powerful French* colony could only be formed by the conversion of the savage tribes who roamed over almost boundless tracts of country, but christianity accompanied colonization and by the charter of the 100 associates, they were bound to assist in the support of the clergy who came to the colony, for the two fold purpose of giving spiritual aid and consolation to the settlers, and educating the youth of the colony, and also of converting the Indians to christianity. In every settlement these ecclesiastics were to be supported by the company, and if more were required for the settlements and missions, they were to be sent out and also supported at the expense of the company, unless cleared land were given to them for their subsistence. Chief among these religious missionaries were the Jesuits, who spread themselves among the Indians near and remote, and formed local missions amongst them, whilst the other orders not so erratic, and among these the Sulpicians who were se-

minary and educational priests, established branches of their order, collecting Indians together at their mission places and there teaching christianity to the savage denizens of the canadian forests, whose pleasure it was to frequent and haunt the settlements for trade or the benefit of spiritual indulgeness not always of a religious nature, but ever ready to join any war party organized to attack the town of foreign Indians, or to raid the not distant British provincial settlements. However conscientious and devoted to their christian work the missionaries might be, their humanising effects were admittedly not encouraging and were constantly thwarted by the unceasing and irrational blood-thirsty wars of the Indian tribes and nations with each other which gradually exterminated the Canadian Indians, and left the final results shewn in the handful of survivors of powerful tribes collected together at Lorette and the Lake of Two Mountains.

A few years after the 100 associates' company had gone into full operation, a missionary association composed of pious laymen and influential sulpician priests at Paris was formed, then called the "*society for the conversion of the savages of New France on the Island of Montreal*," and commonly known as the *Montreal company*, "*Compagnie de Montréal*," for whom through two of its promoters, Monsieur de Lauzon, one of the 100 associates' company, and grantee from them of the Island and seigniory of Montreal, transferred his grant by authentic act in March 1640, subject to the original settlement and other conditions of the grant, for the uses and purposes of the missionary association which, after ratification by the associates, was in due course converted by these promo-

ters to their association and finally accepted by its members in March 1650, Messire Olier, the Curé of St. Sulpice, at Paris, and other sulpician priests there, being the first signatories of the accepted conveyance.

Soon after the transfer of 1640, the society took measures for occupying their grant, and in 1642, a body of emigrants from France with Messire Olier and other sulpicians of Paris took possession and made their first location and establishment at the locality of Montreal, then a wilderness.

To obviate all doubt about the validity of their title and its transfer to the society from Mr. de Lauzon, the arrangements with him were supplemented by direct deeds of grant from the company of 100 associates to the association made in 1640 and 1659 by which the entire Island and seigniory of Montreal were conveyed to the society absolutely, who afterwards finding their conversion duties efficiently performed by the sulpician priests at Montreal, by authentic deed of donation of 9th March 1663, conveyed the entire Island and seigniory to the seminary of St. Sulpice at Paris, who caused the deed to be duly registered in June following, and the whole was fully ratified by the King's letters patent in favor of that seminary who assumed all debts of the association.

The sulpician priests who assisted at the first entry into possession of their Montreal grant in 1642, with the additions to their number from time to time from the parent seminary at Paris, became permanently settled at Montreal, and for facilitating their performance of their duties, were formed by the seminary at Paris to a branch seminary called the seminary of Montreal, with Messire Olier as their first superior, to which was

committed the care of souls in the rising town and settlement of Montreal, which so continued until the issue of letters patent in May 1677, solicited and obtained from the King by the Paris seminary which constituted the sulpician Ecclesiastics at Montreal unto the legal "*Community and Seminary of Ecclesiastics of St. Sulpice in the Island of Montreal*," who were charged by the Letters patent, expressly with the work there of the conversion of the Indians and the instruction of His Majesty's subjects, *conversion et instruction de nos sujets, etc., etc.*, moreover it was ordered by the Letters patent, that the Island and seigniory of Montreal donated in 1663 by the missionary association to the Seminary at Paris should be expressly consecrated to God and attached in mortmain to be possessed and held for the said pious work and use by the said seminary and community freely and absolutely, and to their successors in the order forever *en perpétuité*.

Under the Letters patent, the seminary of Montreal whilst continuing their membership with the present sulpician order at Paris became to all intents locally a corporate community apart from that at Paris, with legal capacity to acquire and hold property for its own uses and purposes, and charged, in addition to the original *cure* of Montreal, with that of the outline settlements at St. Sulpice, Lachine, la Longue Pointe, etc., etc., and had their corporate existence recognized in various public acts by the ecclesiastical and administrative authorities *of the colony* and also by the King, the sole, supreme Executive and legislative power competent to interfere with their legal corporate status, which was expressly continued to be so

acknowledged by all of them during the French Dominion of Canada.

The clerical records exhibit several similar corporate erections of communities established in the colony by letters patent whose corporate existence still subsists and is fully recognized, as the Ursuline Nuns at Quebec in 1637, the Seminary at Quebec in 1663, the Hospital Nuns at Montreal in april 1669, the Congregational Nuns at Montreal in may 1671, &c., &c.

The Sulpician Order at Paris not only as members of the Missionary association, but also as donees and transferees from that association of the Island and Seigniory of Montreal, delegated and committed to their Branch Seminary of Montreal, all the local works, [*Œuvre*] assumed by the Sulpician Ecclesiastics at Paris, and doing their best to carry out the purpose of the Missionary association, there being no resident Island Indians, the Montreal Seminary did effect conversions among the savages who frequented the Island, and, at an early period, formed an Indian mission located near the fort of the Mountain of Montreal where they collected together and took charge of the wandering Indians of any tribe who where willing to be fed and protected against the hostile Iroquois, and who submitted to be converted to christianity.

The so called mission was a mere indiscriminate collection of Indians who came to Montreal from abroad for trading purposes or otherwise, as refugees from the Iroquois who had determined to exterminate the French settlers as well as their Indian allies, there being in fact no other hostile against either, yet, notwithstanding the constantly harassing attacks of the

Iroquois, the mission called the Fort or mission of the Mountain slowly increased in numbers by its adventurous additions as above stated ; but the indian convert, could not resist vicious temptations in their way, and from their easy access to the towns became demoralized by habits of intemperance to such a degree that in 1692, the Iroquois in broad day raided the unguarded mission and carried off 35 of the converts as prisoners without meeting any resistance there.

The removal of the mission to a distance from such facilities for intemperance became a moral necessity upon the Seminary of Montreal, who, in consequence, in 1701, transferred the mission to Sault-au-Recollet in the Domain of the Seigniory at the back of the Island of Montreal, where it was left undisturbed by any further attacks of the Iroquois, whose power was so far broken by governor Frontenac's incursion upon them in that year, that after the peace between the French and the Iroquois which followed soon after, the Iroquois were never again formidable either to the French or their converts.

The mission was kept at the Sault-au-Recollet till 1717, when in consequence of the continued intemperance of the converts from their still near proximity to the town and its facilities of intemperance, the Seminary of Montreal, unwilling to give up the mission and to abandon their converts to hopeless barbarism, determined to remove them from the Island altogether, to some more remoted location where those pernicious habits might be checked, and having found a favorable locality for the mission on a point of land on the Northwest shore of the lake of two

mountains, the seminary of Montreal at once applied for and obtained in 1717 from the governor and Intendant a grant *en Seigneurie* of a tract thereof, unconceded and in wilderness fronting the Lake, and which was called the Seigniory of the Lake of Two Mountains, on which the point of land intented for the location of the mission was included, when the mission and its converts were forthwith established at the sole expense of the Montreal Seminary, and under the terms of their offered engagements with the government, the Seigniorial grant being made to them like all other grants subject to the king's ratification which followed in the king's letters of 1718 in favor of the Seminary of Paris, who thereby occupied the Seigniory as grantees thereof, to be held by them whether the mission continued there or not, and like all other seigniorial grants, it was charged with the usual feudal services to the Suzerain Grantor and subject to the usual settlement duties under such seignioral grants by its tenants and sub-occupants.

It will be observed that the removed mission contained a collection of Indians of various tribes, Algonquins, Iroquois, Mohawks, Nipissings, and others, either refugees from hostile Indians, or Indian persons redeemed by the Seminary and charitable settlers of Montreal, both of whom practised that mode of saving the prisoners' lives, and to them were added roving Indians who entered the mission for the sake of food and shelter, all of them being foreign Indians, the Mohawks and Iroquois from the now state of New-York, the Algonquins from the Allumettes' Island and the upper shores of the Ottawa

river, the Nipissings from the distant lake of that name, etc. But none were of the class of Montreal Island Indians, the intended converts of the missionary association, whose duties were assumed by the Sulpicians as transferees of that association, to use a modern analogy, the mission in itself was simply a poor house or house of refuge for Indians generally, where they were christianised and supported at the expense of the Seminary of Montreal from its own revenues and where the Indian converts were maintained as long as they chose to continue at the mission.

The lake grant, as ratified by the letters patent in favor of the Seminary of Paris of 1718, was followed in 1732 by a direct grant to that Seminary of these called augmentations which was also duly ratified by letters patent in 1735, which uniting the new grants into one seigniority of the lake, at the same time specially modified not only the terms of the two preliminary grants by the Governor and Intendant, but also altered the terms of the ratification of 1718, none of these modifications however are material in this contention, and relieving the Seminary from the strict prompt performance of the settlement duties conditional upon the Seigniorial Grantees and upon their tenants and sub-grantees in the seigniority, discharged the seigniors from the erection of the stone fort which was no longer required.

The effect of the letters patent of ratification of the seigniority of the lake of Two Mountains was to place that seigniority in the same category of property belonging to the Sulpician order, as the seigniority of the Island of Montreal and the seigniority of St. Sulpice as held nominally by the head of the Sulpician

order as the joint property of all its associated Ecclesiastics, wherever their branch establishments might be situated, including of course the constituted Seminary of St. Sulpice of Montreal, all in joint proprietorship, according to the law in such cases in France as held at the place where the head establishment is located with its local branches in or out of France, the latter acting independently, using their independent right and their local revenues to support the local work, *l'œuvre* to be done by the branch establishments which have two kinds of legal existence, the one as part of the order, the other as a separate and independent corporation having its proper buildings and rights of property etc., etc. Apart hence the Sulpician Ecclesiastics of the Seminary of Montreal are called Ecclesiastics of the order of St. Sulpice at Paris, but those at Paris were never called Ecclesiastics of the Seminary. The superior officers of each seminary are distinct, the seminaries having distinct dates of existence, that at Paris by letters patent in 1645 and that at Montreal in 1677; their existences are locally separate although they are united together ecclesiastically in the order of St. Sulpice established at Paris.

The sulpician properties above mentioned in Canada, though nominally represented by the head establishment at Paris, were actually, in the case of the seminary of Montreal, dedicated to and specially appropriated for pious uses in Canada within the local charge of the Montreal seminary, who held in fact the seigniories as their direct properties having the exclusive administration of them, the collection and application of their local revenues to local uses without reference to the house at Paris and without aid from

that seminary; but owing to the inadequacy of the local revenues to meet local expenses and the local works, *l'œuvre*, to which the properties and their local revenues were specially appointed, the Montreal seminary were for several years before the conquest necessitous, receivers directly from the French Kings, bounty of an annual contribution from the public funds of France to supplement the local means of support.

A conclusive result, drawn from the colonization policy of the French Kings as shown in the terms and conditions of their seigniorial grants, was declared by the unanimous judgment of the thirteen judges composing the feudal tenure court of 1855, with one dissident, in answer to the 17th proposition submitted to the consideration of the Court, that according to the laws in force in Canada before the conquest of the country, the grantees of land in fief or seignior by the Crown of France had the full and entire property in them, but they could only alienate or subgrant them at certain feudal stipulation of rents.

Confirming the contention here with reference to the "mission of the Lake of Two Mountains for the alleged special instruction and spiritual care of the Algonquins and Iroquois" and to the words of the grant as expressed in the preliminary concession of the lake seignior and its augmentation in 1717 and 1732, and in the Royal Ratifications of both by the Letters Patent of 1718 and 1735, the following will be found in the colonial grant of 1717 by the governor and intendant of that date: "We, in virtue of the power jointly entrusted to us by His Majesty, have

given, granted and conceded, and by these presents do give, grant and concede unto the said sieurs Ecclesiastics of the Seminary of St. Sulpice established at Montreal a tract of land, and to have and to hold the same for ever unto the said sieurs Ecclesiastics, their successors and assigns, even should the said mission be taken away from thence, in full property under the title of Fief and Seigniory, etc."

In the letters patent of 1718 confirming the grant, "His Majesty wishing to favor the Ecclesiastics of the Seminary of St. Sulpice established at Paris from whom those of the Seminary of St. Sulpice established at Montreal proceed, to whom the concession deed of 1718 was granted, etc., has given and granted by these presents to the ecclesiastics of the Seminary of St. Sulpice at Paris that certain tract etc., to have and to hold the same for ever unto the said Ecclesiastics, their successors and assigns even if the said mission be taken away from thence, in full property under the title of Fief and Seigniory, etc."

In the colonial grant of the augmentation of 1733 by the Governor and Intendant of that date, the words of grant are: "We in virtue etc., have given, granted and conceded and by these presents, do give, grant and concede unto the said Ecclesiastics of the Seminary of St. Sulpice at Paris the above ungranted tract of land, etc.to have and to hold the same unto the said Sieurs of the Seminary of St. Sulpice, their successors and assigns, henceforth for ever in fief and Seigniory, etc., etc."

The letters patent of 1735 confirmed the grant of 1733 to the said Ecclesiastics of St. Sulpice at Paris "to have and to hold to the said Ecclesiastics their

"successors and assigns for ever as a fief and Seignior, etc....."

The preamble of the concession of the Seignior of the lake of Two Mountains in 1717 to the Seminary of Montreal recites in substance that the mad drunkenness from which as Messire Dollier de Casson, a Sulpician of that Seminary, in his history of Montreal says, "neither Algonquins nor Iroquois could refrain in their intercourse with the French of the town, *"ils ne peuvent quitter qu'après être ivres à n'en pouvoir plus, et en font usage comme furieux."* Preventing religious instruction and conversion of the Indians, was the real cause of the removal by the Seminary of the Montreal Mountain mission to the Sault-au-Récollet, and from the Sault to its final locality at the Lake Seignior, the recital is as follows: "On the petition presented to us by Messieurs the Ecclesiastics of the Seminary of St. Sulpice established at Montreal by which they state that it would be advantageous to the missions of the Indians of the Sault-au-Récollet in the Island of Montreal which is under their care, that it should be immediately transferred above the said island and established on the lands which are situated in the North West side of the Lake of two mountains, which said mission would be advantageous not only for the conversion of the Indians, who being there more distant from the city, would also be deprived of the opportunity of getting intoxicated, etc."

But the recital does not control or limit the words of the grant, because it is a maxim of all law in the way of grant, and which it is nothing more than the conclusion of common sense long formed and approved,

not a mere technical rule of verbal construction, that if the intention of the King be plainly expressed in the granting part of the concession, the grant shall be made accordingly. The words on the concession grant and royal ratification are too plain to admit of doubtful construction, and explicitly convey to the grantees the absolute unlimited property of the grant, namely the seigniority of the Lake of Two Mountains, making no reference to the Indians as having interest in the grant itself, or otherwise than by the removal of the Indian mission to the lake seigniority.

It is not allowed to interpret what has no need of interpretation, the old rule affirming *quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba fienda est*. The granting words here manifestly speak the intention of the parties at the time, who must be presumed to know the object and purport of the grant as an absolute property to the grantees for ever *whether the grantee should continue there or not*; plainly expressing a free grant, independent of the existence of the mission, which could therefore have no derogating rights against the grantees. The land granted was unconceded public land at the disposal of the king who had power to make his gift conditional if he so pleased, and to express the continuance or quality of his grant as well as the persons of the grantees. He gave it in full property for ever, with only subsidiary conditions, first that the expense of establishing the mission at the intended location in the place where the said mission shall be transferred, shall be at the expense of the grantees, to wit, the Seminary, and second that the seigniority be held by the grantees, the seigniors, subject to their perfor-

mance of the feudal services and acknowledgements to the seigniorial Suzerain and of the settlement duties required to be done on the seigniority from all such seigniorial concessions. As a matter of fact, the first condition was fulfilled by the transfer of the mission to the lake at the cost and charge of the seminary, for its maintainance there as before at the mountain mission and at that of the Sault-au-Recollet, namely for the instruction and conversion of the Indians; and for the last, no record exists indicating any intention or attempt by the french kings who alone could exercise the right during their dominion in Canada to forfeit the grant, for any breach of their feudal and settlement duties by the grantees.

It is only necessary to add that although the grant of the lake seigniority were confirmed in the seminary of Paris of which the seminary of Montreal was a branch, that was only necessary from the requirements of french law, for the purpose of preserving the subordination observed in such ecclesiastical bodies, but did not prevent the colonial authorities from regarding the seminary of Montreal as a body legally constituted, capable of possessing such properties, because the colonial government, by its grant to the Montreal Seminary, acknowledged its corporate existence constituted under the king's patents of 1677 which was acknowledged in royal and public documents, among others, by the orders of the king in his council of state at Paris, in 1716 and 1722, which charged the Montreal Seminary with an annual tax for the town fortifications, in both orders, the council referring to the body as "the Seminary of St. Sulpice established at Montreal and possessing building lots

in that city of which as well as of all the island it is direct seigniors, etc." The ratified grants of all the Sulpician Seigniories, St. Sulpice and Lake of Two Mountains, was granted to the head establishment at Paris, but the constituted seminary of Montreal was the actual seignior who performed on the spot all the pious works for which the grants were made, administered the entire property, made all the required outlay for settlements and charitable establishments with their local works, and whose local charge and duties were in ecclesiastical connection with the sulpician order, but independent of the head Seminary at Paris.

The conquest found the Sulpician property and estates in Canada dedicated for ever to pious works and uses here, namely the seigniories of Montreal, St. Sulpice and Lake of Two Mountains with their dependencies, in the titular possession of the head Seminary of St. Sulpice at Paris, whilst they were as in fact, in the actual possession, of right and administered on the spot by the constituted community and Seminary of St. Sulpice of Montreal, the entire estates being the joint property of the order and of its constituted establishments, but subjected to the effects and conditions of the conquest expressed in the articles of capitulation of Montreal of 1760 and of the treaty of peace of 1763.

The 34th article of the capitulation provides that "all the communities and all the priests shall preserve their moveables, the property and revenues of their seigniories and other estates which they possess in the colony and the said estates shall be preserved in their privileges, rights, honours and exemptions."

The 35th provides that "if any of the priests, missionary priests of St. Sulpice, etc., choose to go to France, they may do so and sell their estates to either the french and the english and take the proceeds with them etc.," and the 37th provides that "all seigniors etc., and all other persons whatsoever shall preserve their entire property, etc., etc., and be at liberty to keep or sell them, as well to the french as to the british, etc., etc."

The effect of which provisions is explained by Chief Justice Hay of the province of Quebec in 176- in his plan for settling the law in the conquered province "after remarking that the country not being surrendered at discretion but upon capitulation, the King of England was never for a moment the owner of the land of the country, but only of such parts as was at the disposal of the King of France, namely the ungranted lands, and that it was a well known rule of the law of nations adopted and enforced by the law of England, that the laws of a conquered people continue in force till they were expressly changed by the will of the conquering nation ;" he proceeds to apply those maxims to the owners of property in Canada. By the articles of the capitulation of Montreal, upon which the whole country was surrendered to General Amherst in 1760, it was expressly provided that all sorts of property moveable and immoveable that does not belong to the King of France shall continue to belong to the present proprietors, whether private persons or bodies or religious societies, not excepting those of the Jesuits, and this provision is confirmed in the fourth article of the definitive treaty of peace of the tenth February 1763, by which it was agreed between the two

crowns, that those persons who chose to retire and quit the province may sell their estate and effects to British subjects and return to old France or elsewhere with the money of such sales, whenever they thought proper, within the space of 18 months from the ratification of the treaty.

The delay extended to the tenth of August 1764. As a necessary consequence, all french subjects who remained in Canada became british subjects by the mere effect of their continued residence in Canada, with full capacity as such subjects to acquire and hold property moveable and immoveable in Canada, whilst frenchmen proprietors in France or the returning french subjects became aliens and incapacitated from holding immoveable estate and property in Canada, but having power to sell or dispose of it within the 18 months after the ratification of the treaty.

It has already been observed that the Seigniorial estates above mentioned were the property of the Sulpician order for ever, and could not be alienated from Sulpician Ecclesiastics, but the conquest was an interfering necessity and prevented the property from longer subsisting for the benefit of the Sulpicians in France, and therefore could only avail for the Sulpician Ecclesiastics in Canada who had capacity of british subjects, and therefore to the only ecclesiastics of the order in Canada, the constituted community and Seminary of St. Sulpice at Montreal, who from their continued residence in Canada after the conquest, had become british subjects with the required capacity not only to continue their actual possession of the Canada property of the order, but to hold it as proprietors in full property. The result is ex-

plained by Mons. Petit, a french colonial judge, in his work on french colonial law p. 511 and 513 which he lays down as established by royal orders and arrêts that the property of the several religious orders in the colonies must, in case of any separation from the main body of the orders, be dedicated to the work to be performed and belong to the missionaries by whom it is performed, because the intention of the donor of such property could only have destined it for the support and maintenance of the mission and missionaries on the spot and not to be held by Ecclesiastics, thousands of miles distant from the appointed work.

Again, being for ever the joint property of the order including all its constituted establishments, the lapse by any of its holders in the joint property, according to the well known rule of the common law of France and of the Province, remits the lapsed property and right to the others holding and capable of holding the property, and hence the Sulpicians in France, having by the effect of the conquest and cession, became aliens and incapacitated to hold the property of the order in Canada, they lost their right to it, which reverted to those Sulpicians who had become british subjects in Canada, with capacity to take and hold real property in the Province to wit, the community and Seminary of St. Sulpice at Montreal, and who, losing nothing of their rights in the Sulpician property in Canada, thereby preserved it for the purposes of its original destination. This may be familiarly exemplified by the rule of law applied as follows; if one moiety of a community became incapable of holding its undivided property, the other moiety will possess the whole, because the change in the number

and quality of the members makes no change in the community itself which exists, as before, in the person of those who retain the necessary capacity.

Finally, the power to sell comprehends the power to abandon and transfer property by any act of conveyance of it, and therefore the deed of cession executed at Paris on the 24th April 1764 within the time of limitation of the treaty, by the head office of the order there in favor of the community and Seminary of St. Sulpice at Montreal of the right of the Paris Seminary to any possession of the order in Canada, constituted the Montreal community and Seminary the proprietors of the rights so abandoned to them, the latter Seminary having full capacity and authority, as a constituted body, under the letters patent of 1677, to take and hold property in like manner as enjoyed by persons and individuals when not expressly prohibited. The cession was in fact a mere partition of property held in common between the Sulpicians in France and those in Canada, and possessed in common by both in the two countries before the conquest. The conquest made both foreigners and aliens to each of the governments respectively, necessarily separating the bodies, and therefore the joint property was necessarily divided also, the French Sulpicians by the deed of cession retaining their property in France and abandoning effectively their proprietary rights in Canada to the Montreal Sulpicians, instead of selling, renouncing their rights, thereby making a complete partition between the two bodies. The deed of cession was in reality the usual and well known modern quit claim deed in favour of the proprietor in possession, and in no way required the royal assent or au-

thority for its validity, no change of actual possession being made.

Under the foregoing circumstances, the requirements of the conquest were carried into full effect, and the Montreal Seminary acquired full property and possession of the seigniory, their title was indisputable, namely to the entire Canadian property of the Order ; it was never interfered with by the British Sovereign or His colonial authorities ; on the contrary, the right of the Montreal Seminary was recognized in 1781 by the governor of the province receiving that body with Fealty and Homage for their seigniories, and registering their acts and titles which included the deed of cession above mentioned. Though the reception of fealty did not give title, it accepted and admitted title and prevented the sovereign Suzerain from dispossessing or interfering with the vassal, affording a recorded proof of title to the seignior against the king, who, by his acceptance, frees the seigniory or fief and invests his seignior with it ; as Blackstone says, the ceremony is a token of the protection which the suzerain owes to the vassal, the obligation between them is thereby reciprocal and if, the vassal under the old tenure was bound to serve, he had a right to full protection in return. The reception by the king of the Montreal Seminary in Fealty was His royal recognition of its right of legitimate possession and property after the conquest, to which, if necessary, might be added the long possession held in the sight and with the knowledge of the respective governments from 1677. The confirming act of 1841 completes the chain of title held by the community and seminary of Montreal and contains the royal assurance of Her Majesty on behalf of the

Seminary here. It was enacted as a compromise act between the seigniors and the tenants of the seigniories to get rid of the seigniorial rates and dues which pressed heavily upon capital and improvement of real property, causing irritating complaints against the seigniors and demands for the abolition of the title of the seminary to their property and its reunion to the royal domain, the complainants pretexting that the reunion would not change the seigniorial tenure of the sub-grants or their feudal burdens, the only difference being the change of seigniors from the seminary to the crown, leaving the tenure as it was, which could only be abolished by its absolute abolition as was effected in 1856, and hence, therefore, the act of 1841 which was a relief act for the gradual abolition of the seigniorial rights and dues, after reciting the proprietary rights in and over the seigniories of Montreal, St. Sulpice and Lake of Two Mountains as held and claimed by the seminary since the capitulation of 1760, and claiming to hold those rights still as owners of the said seigniories, and stating that doubts of their rights had been raised, and it was contended that the title to the seigniories was in Her Majesty, it was declared that, to remove those doubts and effect an extinction of the seigniorial rights and dues, Her Majesty, of Her own will and motion "signified Her "pleasure that the rights and titles of the ecclesiastics "of the Seminary of Montreal to those seigniories "should be absolutely confirmed, subject to the terms, "conditions and limitations contained in the act, "which were fully and formally agreed to by the said "ecclesiastics," and for fulfilling "Her Majesty's "pleasure, the said ecclesiastics were constituted an "ecclesiastical corporation as named in the act," to

whom the right and title to the several seigniories above mentioned with all and every their domain, lands etc., etc., and their seigniorial rights and dues should be confirmed, declared good, valid and effectual in the law, with power to the corporation so constituted to hold and possess the same as proprietor thereof as fully, in the same manner and to the same extent as the seminary of St. Sulpice at Paris or the seminary of St. Sulpice at Montreal, according to its constitution in 1759, or as either or both of the said seminaries could have done or had a right to do, and therefore the seigniories were declared to be vested in the said corporation as the true and lawful owners and proprietors of the same to the only use, behalf and benefit of the ecclesiastics of the said corporation and of their successors for ever, subject to the terms and conditions in the act, chief of which were the statutory means and terms provided for the gradual extinction of the seigniorial rights and duties by a commutation payable by the tenants. The act of 1841 was full and comprehensive in its terms and effect, on confirming to the ecclesiastics of the Montreal Seminary their seigniories and their rights, as they were both before and after the conquest, in full possession and property which were corroborated and affirmed in 1859, by the subsequent acts of the commutation arrangements between the provincial government and the ecclesiastics for the entire abolition of the feudal and seigniorial dues and charges.

With reference to the foregoing, my answer to the first enquiry is:

That the title of the corporation of the seminary of Montreal has conferred upon that body a valid

and *absolute* right of property in their several seigniories, and constituted that body the sole absolute owners of the property known as the seigniory of the Lake of Two Mountains.

As a consequence of the above answer, my answer to the second enquiry is :

That the Oka Indians have not and never had any lawful proprietary claim in the property of the said Lake seigniory.

With reference to the so named Oka Indians of the Lake, it may be observed that they do not appear to have been recognized as the proper Iroquois tribe by either the French or British Colonial governments, nor *eo statu*, within the protection acts for the care of Indians by the Colonial governments since the conquest, nor as such have they held grants of land exclusively for their own benefit, nor could such have been the case because the Iroquois name was collective and assumed as representing the association of several tribes in the now State of New York, the Mohawks, Senecas and others ; it is well known that the lands of the tribe belong to the entire tribe by grant or concession of same kind, but though grants were made directly to the Abenakis, to the Hurons Indians of Lorette, etc., and in effect through the Jesuits for the Sillery Indians, the Mohawks and other Indians called Iroquois of the Sault St. Louis, respectively established on those grants, there is no trace of such a grant in the Colonial records, either direct or intermediate for any special denominations of Indians of the mission of the Lake seigniory.

It is clear that the Oka Indians were not direct

participants of the lake grant, and no such grant has been produced in their favor. A matter of fact, the history of the mission at the Mountain some years after the original settlement of the City in 1642-3, or that of Sault-au-Recollet in 1701, both locations being in the seigniory of the Island of Montreal, or finally at the Lake seigniory in 1717, the mission Indians were merely a gathering of waifs and strays of different tribes, fortuitously collected at the mission location, by the christian charity of the Ecclesiastics of the Seminary of Montreal, and never had or pretended to have title of any kind either to the seigniory of Montreal, their first and second locations, or to the lake seigniory where they were last located until within a very recent period. It appears however that the Oka Iroquois have held and occupied lots of land at or near the locality of the lake mission, either by themselves as individuals or by families, or as having acquired them by succession to deceased Indian relatives, for the protection and maintenance of themselves and families as residents at the mission and hence, the self imposed duty assumed by the Seminary of Montreal for the care and spiritual instruction of the Indians at the lake mission was set out among the conditions and considerations for the confirmation act of 1841, which vesting the seigniories absolutely in the Ecclesiastics of the seminary, was declared to be for the following "purposes, intents and objects" "only and for none others, among these the cure of "souls within the parish of Montreal" the mission "of the Lake of Two Mountains for the instruction and spiritual care of the Algonquins and Iroquois Indians." This last special mission purpose is quite explicit, and

it would be a contradiction of its terms, to require as a duty and service of the Ecclesiastics of the seminary, to afford to the mission any instruction or spiritual care other than Roman Catholic, and by no process of construction, could the plain intent and purpose of this particular statutory duty be made to apply to Protestant tuition and spiritual care.

This mission purpose and duty prescribed is not therefore a trust beyond its express requirements of performance, and the so called english trust urged for the Okas is not within the law of the Province.

By a mistake the trusteeship of the ecclesiastics for the mission Indians and the Okas in particular pertinaciously alleged in their favor, was adopted from an old conversial opinion set up against the seminary some years after the conquest for the reunion of their seigniories to the crown, but in no way as *trustees for the tenants or sub-occupants*, that alleged trusteeship however was never seriously adopted by the government, and was put aside, and has since remained forgotten and buried until revived for this contention.

It would be waste of time to discuss the alleged substitution of our provincial common law, as applicable to the Oka Indians, because the Lake seignior was granted to the ecclesiastics of the Seminary of Montreal for themselves, their successors and assigns, for ever, and,

Whether the mission exists or not upon the grant without any gift over to other persons, certainly not the mission Iroquois, at the lapse of the grant, after the termination of the existence of the grantee, the corporation of the Seminary and their assigns. There being no one designated to take the gift after

such a lapse, there is no substitution in law in favor of the Okas, and the Lake seigniory by our provincial law remains the absolute property of the corporation.

Under these circumstances, it seems undeniable that as professing protestants, the Oka Indians, though residents at the mission, have no right whatever to claim from the Seminary as a duty to them the only charge imposed by the confirmatory statute, namely the instruction and spiritual care of the Roman Catholic mission, and that any such allotments which the Indians may occupy for residence or cultivation at or near the mission, are not missionary rights but seigniorial and proprietary, and subject to be governed by the terms of the location, permissions granted to them by the owners of the property occupied by the Indian tenants.

Montreal, 7th May 1878.

W. BADGLEY.

Extract from the proceedings of the Privy Council
of the late Province of Quebec. Reg. F. p. 320-1.

REPORT

*To His Excellency the Right Honorable Guy, Lord
Dorchester, Governor-General of the Province of
Quebec, &c., &c.*

*Report of a committee of the Whole Council, on the
complaints of the Indians of the Village near the
Lake of the Two Mountains.*

My Lord,—The Board having been frequently assembled in obedience to your Lordship's order of reference; and having heard the sulpicians by their council, and M. Attorney and Solicitor General for the crown, most humbly Report to your Lordship :

That no satisfactory evidence is given to the committee, of any title granted to the Indians of the village in question, either by the French Crown, or any grantee of that crown; all which is nevertheless most humbly submitted to your Lordship's great Wisdom.

Signed by order of the committee council chamber.

Bishop's Palace 21st April 1789.

WM. SMITH,
Chairman.

*Extract from the proceedings of the Privy Council of
the late Province of Quebec.*

At a further meeting of the Council on Thursday the 16th April 1789 [to which day the committee had adjourned the parties, by an order of the 14th Instant, for an attendance yesterday on the funeral of the Lieut.-Governor-General Hope.]

Present :

The Chief Justice :

M. Finlay, M. Dunn, M. Harrison, M. Collins, M. Mabane, M. de Léry, M. Pownall, M. Belleste, M. Fraser, M. Caldwell, M. Grant, M. de St. Ours, M. de Longueuil, Sir John Johnson, Baronet, M. de Lanaudière, M. Boucherville, M. Dupré.

The Counsel attending were called in and the doors were thrown open for a public hearing ; which continued from 10 in the morning to three o'clock in the afternoon.

Observations and Remarks of The Attorney and Solicitor General.

Upon a reference by His Excellency the Right Honorable Lord Dorchester to a committee of the whole Council for consideration and Report upon a Memorial from the Ecclesiastics of St. Sulpice at Montreal, on the subject of their title to lands at or near the Lake of the Two Mountains, in answer to the representations made by certain Lake Indians of that settlement ; and also another memorial from the Ecclesiastics of the same order, stating their claim of nominating the Clerk of His Majesty's Court of Common Pleas, held at the city of Montreal for the district of Montreal, with order that the Attorney and Solicitor-General be heard on the part of the Crown.

His Majesty's Attorney and Solicitor-General having attended the council on the subject referred, and having heard and examined the several grounds of claim offered by the said order and community of Ecclesiastics, submit to His Majesty's Council such a state of those claims and the foundation upon which they stand, as may call the attention of this Honorable Board to a just view of His Majesty's rights committed to the wisdom and justice of this Honorable Council to report upon to His Excellency the Governor.

The Indians of the Lake of the Two Mountains state that they understood a grant was made to them by the French King of lands on that Lake, and were induced to this belief by their missionary and the Body of Ecclesiastics of St. Sulpice at Montreal.

In a speech made to Sir John Johnson, Baronet, Superintendent General and Inspector General of Indian affairs on the 8th February 1787 by the Chief of their tribe, those Indians alleged "that before the wall
" was built around the town of Montreal, they lived
" at the foot of the Mountain where they resided in
" peace and tranquillity for a considerable time, when
" their missionary and the other clergy of the Island
" exhorted them to remove further from the Town,
" and settle at Sault-au-Recollet; that they accordingly left their habitations and removed thither,
" with their wives and children, where they resided
" for about 24 years, when again their missionary and
" the clergy of the Seminary at Montreal told them
" they should remove once more with their families,
" because it was not proper that any Indians should
" remain on the Island; and that if they would con-

" sent to go and settle at the Lake of Two Mountains,
 " they should have a large tract of land (for which
 " they should have a deed of concession from the
 " French King) as their property, to be vested in them
 " and their heirs forever, and that they should not be
 " molested again in their habitation. That however
 " inconvenient it was to them to quit their houses
 " and small clearings, yet the desire of having a fixed
 " property of their own induced them to comply, and
 " accordingly they removed and took possession of
 " the lands assigned to them, and, as was the custom
 " of their Fore Fathers, immediately set about making
 " an Emblematic Belt [which they delivered to Sir
 " John Johnson] by which their children would see
 " that the land was to be theirs forever, and as was
 " customary for their ancestors, they placed the figure
 " of a Dog at each end of the Belt to guard their
 " property, and to give notice when an enemy ap-
 " proached, and when finished, they spread it on the
 " ground and covered it with earth, that no evil-min-
 " ded persons should find it where it remained undis-
 " turbed till about seven years ago, when, upon the
 " subject of some dispute between them and certain
 " Canadians who first settled on their Lands under
 " the idea of trading with them, their missionary told
 " them that the land did not belong to them, no, not
 " as much as the smallest shrub."

In the said speech the Indians further allege "that
 " just before the taking of Montreal during the late
 " French war, the chiefs of their villages attended Sir
 " John Johnson at Oswegatchie, when he received
 " the submissions of all the deputies from Canada, and
 " there, in a full council, granted them protection in

" the king's name, and confirmed to them their lands
 " as granted by the french king, in confirmation of
 " which he delivered them the belt they then laid at
 " his (Sir John's) feet. With the speech the Indians
 " presented to Sir John Johnson, the copy of a grant
 " of the lands on the Lake of Two Mountains made
 " by the Governor and Intendant of Canada, bearing
 " date the 17th october 1717, and ratified on the 27th
 " april 1718, conceiving that that grant was made to
 " the ecclesiastics of the order of St. Sulpice for the
 " benefit of the Indians."

The speech conveys their ideas of their right to the
 lands of the Lake of Two Mountains, and they con-
 clude it with praying "that Sir John Johnson would
 " solicit His Excellency Lord Dorchester to grant
 " them a new Deed of the lands they live on, and
 " that they may hold them by the same tenure that
 " the Mohawks on the grand river and in the bay of
 " Quinte possess theirs."

The Ecclesiastics of the Seminary of Montreal
 answer the claim of the Indians in a memorial to His
 Excellency the Right Honorable Lord Dorchester
 made by the reverend Stephen de Montgolfier (head
 of the order of St. Sulpice in Canada) and the reve-
 rend John Brassier, procurator to the Seminary of
 Montreal, stating " that as His Excellency had been
 " pleased to communicate to the superior of the eccle-
 " siastics the copy of a speech made the 8th february
 " 1787 to Sir John Johnson by some chiefs of the
 " village of the Two Mountains claiming for the sa-
 " vages the propriety of the land and seigniory of
 " the Lake of the Two Mountains, the said ecclesiastics
 " desire leave to produce to His Excellency as a full

" answer and refutation of such claim their Titles
 " marked A [grant on 17th october 1717] B [brevet
 " de concession 27 avril 1718] C [brevet de ratifica-
 " tion 1 mars 1735] which would shew that the pro-
 " perty of the said seigniory was wholly in the eccle-
 " siastics of the seminary of St. Sulpice of Paris, even
 " if the said ecclesiastics should not send a missionary
 " among the said Indians, and that the said estate had
 " devolved to the ecclesiastics of the seminary of
 " Montreal in virtue of a Deed of Cession made to
 " them by the seminary at Paris marked letter E [grant
 " and gift by the ecclesiastics of St. Sulpice at Paris
 " to the seminary of Montreal 29th april 1764];" they
 also state :

" That the Indians of the Lake of Two Mountains
 " never pretended to the right of property in the said
 " seigniory under the ancient government, and even
 " since the conquest, some of them desirous to arro-
 " gate the right of selling a house which they occup-
 " ied at the village, the memorialists used diligence
 " against such an undertaking and obtained a judg-
 " ment of His Excellency, Governor Burton recog-
 " nizing their rights of property, letter D [judgement
 " of military court of 4th november 1763 quieting
 " seminary in possession of the house and land, etc.]"

" They further state that what is mentioned in the
 " said harangue of the History of the Belt is a fact
 " of which no mention is made in the archives of the
 " seigniory of the Lake of Two Mountains, moreover
 " that the compiler of that History or Belt positively
 " asserting that the savages alone had made the Belt,
 " cannot be considered as a symbol and evidence that
 " the said seigneurie could belong to the savages and

" their children, unless that it should be said that the
" savages can at present make a belt among themsel-
" ves that should assure to them such an extent of
" country in the province as they pleased.

" Wherefore they pray His Lordship that consider-
" ing the titles and the frivolity of the contents of the
" said Harangue, he would please to take such mea-
" sures as he might judge proper to undeceive the
" savages in their chimerical pretensions to which
" they had yielded without foundation."

With respect to the claim of the Indians of the
Lake of the Two Mountains to the fief of that sei-
gniory, whatever ideas they might have entertained of
a title, we cannot perceive any such right in them.

Quebec 21st March 1789.

J. MONK, Atty. Gen.

J. WILLIAMS, Sol. Gen.

*Deed of Donation to the Seminary, dated ninth
march 1663.*

Before the undersigned, Notaries, garde-notes du Roi, notre Sire, en son chatelet de Paris, Personally appeared Messire Pierre Chevrier, priest, Seigneur de Faucamp, residing in Paris, Martignon street, parish of St. Thomas du Louvre, Messire Gabriel Quélus, abbé de Locdieu, residing at St. Germain-des-Prés, Lez Paris, in the community of the priests of the church of St. Sulpice, Messire Jean Garibal, chevalier, king's counsellor, in council, master of ordinary petitions, *en son hotel*, and president of his grand council, residing at St. Germain aforesaid, Coulombier street, Messire Antoine Barillon, chevalier seigneur de Morangis, King's counsellor, en ses conseil d'état et privé, et direction de ses finances, residing at faubourg de St. Michel, Enfer street, Messire Christophe Duplessis, also king's counsellor, in his council, seigneur et baron de Montbart, residing at St. Germain-des-Prés aforesaid, petit Vaugirard street, and Bertrand Drouart esquire, residing at hotel Dai-guillon, in Vaugirard street aforesaid, all the said above named associates for the conversion of the Indians of New France, in the island of Montreal, as well in their own name, as representing the other associates, who considering the great blessings it has pleased god to shower upon the said Island of Montreal, for the conversion of the Indians, the instruction and edification of the French Inhabitants thereof, through the ministry of the late messieurs Ollier, de la Marguerie, de Ranty, and other

associates, laboring for the past twenty years, and to what extent, of late, the gentlemen of the Seminary of St. Sulpice, have labored by their care and their zeal to maintain this good work, having exposed their persons, and made heavy contributions for the good of the colony and the greater glory of God, the said gentlemen associates, desiring to contribute on their part *to second the pious designs of the said gentlemen of the Seminary*, and honoring the memory of the said Sieur abbé Ollier, first founder thereof, and one of the promoters and benefactors of the undertaking, they have, after several conferences held on this subject, and for the greater glory of God and for the salvation of souls, made and do make, with the said gentlemen of the Seminary the agreements and conventions that follow, that is to say :

That the said gentlemen associates in their said names, and *in favor and in consideration of the conversion of the Indians of New France* have given and do give by these presents by donation pure, simple and irrevocable and *entrevifs*, for themselves and their successors, by Messire Alexandre le Rageois de Bretonvilliers, priest, superior of the said seminary, residing at St. Germain-des-Prés, du vieil Coulombier street, present and appearing to that effect, *all the rights of property which they have and may have in the said Island of Montreal*, situate in New France, on the river St. Lawrence, at Sault St. Louis, at line forty four, under the name of the first associates, for the conversion of the Indians, with declaration to the profit of the company, to the exclusion of all heirs by deed of the twenty fifth of march, one thousand six hundred and forty four and the twenty first day of

march, one thousand six hundred and fifty, executed before, Peuvret and his colleague, notaries, at the chatelet de Paris, and the deeds of acquisition and concession mentioned therein.

As also the seigniorial house, called the fort in the said Island of Montreal, and of which le sieur de Maisonneuve is governor and captain for the company, the farm and cleared lands and other dependencies thereon, and moreover the whole of the seignior, justice, rights, dues, active debts upon country or upon particular inhabitants of Quebec, Montreal, or in France, and generally all the names, rights, titles and interest that may belong to them, and be of their competency, by reason of the said Island of Montreal, whether in France or in New France, for any cause or reason whatsoever, for the said gentlemen of the seminary accepting thereof, to enjoy and dispose of the same, as is stated by the sieur de Bretonvilliers, as incommutable proprietors, according to their good will and pleasure, and all titles, rights, honors and prerogatives, which may appertain thereto on account thereof in the councils of the country, at Quebec and elsewhere, and for the government of the hospital of Montreal aforesaid, in such way and manner as may be, which deed and declaration, hereinabove mentioned, of the twenty fifth day of March, one thousand six hundred and forty four and twenty first day of March, one thousand six hundred and fifty, along with those expressed therein, have been placed as warranty of the things hereinabove given, into the hands of the said sieur de Bretonvilliers, for and in the name of the said seminary, with all which he declares himself content and satisfied. The said dona-

tion, and transfer being made subject to the following clauses and conditions :

Firstly, that the domain and proprietorship of the said island shall be inseparably united to the said Seminary, and shall not be separated therefrom under any circumstances whatsoever.

That the reinvestment of the *rente* of eleven hundred *livres*, the principal thereof forming the sum of twenty two thousand *livres*, redeemed by Madame de Ranty, made on the half of the farm and revenue of the island, in accordance with the deed passed between demoiselle Mance and le Sieur de Maisonneuve on the ———— in fulfilment of the contract of the fourth of March one thousand six hundred and fifty three passed before Chaussière and his colleague, notaries, at the châtelet aforesaid, shall be entirely executed as forming part of the foundation of the hospital of Montreal.

That the contract for the foundation of the said hospital dated the twelfth day of January one thousand six hundred and forty four and of the seventeenth day of March one thousand six hundred and forty eight, shall be executed according to their form and tenor, as well in regard of the said demoiselle Mance appointed administratrix, during her life time, as for the other clauses and conditions contained therein together with the deed given by the company to the said demoiselle, on the fourth day of January one thousand six hundred and fifty, as to the mode of enjoyment of the revenues of the said hospital and the rendering of the accounts of the same.

That the fund of the *rente* of Madame d'Angoulême, amounting in principal to twenty two thousand

livres according to the reduction *au denier vingt* belonging to the said hospital and which shall be paid out of the price of the land *de préau*, shall also be reinvested in accordance with the arrêt of the Court of ——— one thousand six hundred and sixty-two and other funds of a similar nature to form a *dot* for the said hospital.

That the said *Sieur de Maisonneuve*, one of the associates, who has greatly promoted the work, shall remain governor and captain of the new Island, of the seigniorial house in which he is now resident and established by the said gentlemen associates during his lifetime, subject to the pleasure nevertheless and the orders of the gentlemen of the Seminary, as proprietors of the Island, and shall have his lodging in the seigniorial house, and moreover shall enjoy one half of the farm and of the revenues of the mills and dependencies of the said half of said farm, during his lifetime, he being obliged to maintain them in good order during the term of his enjoyment, which lodging and revenues shall take the place of emoluments, and the other revenues of the island shall not be chargeable therewith; with the privilege of obtaining them as in the past from the country; and the said *sieur de Maisonneuve* shall be always considered as having belonged to the company, and to have rendered great services for the establishment of the colony. The said gentlemen of the Seminary shall, nevertheless, have the right to reside in the said seigniorial house, as seigniors and proprietors, by leaving a suitable lodging therein, at the same time, for the said *sieur de Maisonneuve*.

That the said gentlemen of the seminary undertake, as being subrogated in the stead of the said

gentlemen associates, of all the debts and charges, to which they may be held bound in the said quality, whether on the domain of the island or to the country, to any particular inhabitants of Quebec, or Montreal, to hospital or store in this city of Paris or elsewhere, and in whatever manner, whatsoever, for the purposes of the said society, promising to discharge the said gentlemen associates towards and against all persons, but the said gentlemen of the said Seminary shall not be held to the payment of the said debts and charges in their own name nor out of their own estates, nor shall the said Seminary, be held to the said payment in its own name of its estates, but only out of the properties assigned by this treaty.

And it is stipulated between the said parties that in case, after the fulfilment of the charges hereinbefore set forth and other ordinary and necessary expenditure for the preservation of the island, and the maintenance of the undertaking, there should remain a balance of the reserve out of the property assigned, the said balance shall be employed for the benefit of the undertaking according to the zeal and prudence of the said gentlemen of the Seminary, so that the lands now in forest and which the gentlemen of the seminary may hereafter cause to be cleared shall not be included, nor likewise the improvements, augmentations and acquisitions which they may make thereon and which they may dispose of as they deem proper. The said demoiselle Mance and the persons who shall succeed her in the administration of the said hospital, shall have the privilege of placing in the Quebec stores, dependent on the domain of Montreal the victuals and provisions which shall come from France, to have

them taken to Montreal, as well as what they shall send for conveyance to France, whilst awaiting the departure of the vessels, and to have storage during said time.

And moreover the said demoiselle Mance is discharged from all rendering of account of the said hospital, until this date, the said associates having a full knowledge of her good administration, from the information they have taken from time to time, and on the other hand, the said gentlemen associates are likewise discharged for all supplements, demands and claims that the said demoiselle Mance might have had, arising out of the revenue and income of the said hospitals, the enjoyment and perception of the same, until this date in every manner whatsoever.

Nevertheless the arrears of the *rente* of the said dame d'Angoulême, due up to this date, shall be employed to the acquittal of the sum of three thousand eight hundred *livres tournois* in one instance and seventeen hundred *livres* in another, mentioned in an obligation of the said demoiselle Mance, made in favor of sieur Monsieur, merchant at la Rochelle for the reasons therein mentioned, for the benefit of the said hospital, after deducting that which may be found to be due, to the late Sieur de la Dauversière for the same purpose, and the surplus, if any, placed in the hands of the said demoiselle Mance to be used in the service (*pour servir de dot*) of the said hospital.

The said gentlemen of the seminary shall be bound in commemoration of the present donation and assignment, to have celebrated each year on this day, as well in the church at Montreal, as in the chapel of

the seminary at Paris, a solemn Mass for the repose of the souls of the deceased benefactors, and all the associates of the said company.

All of which concessions, donations, remissions, clauses and conditions have been accepted by the said *sieur* de Bretonvilliers for the said gentlemen of the seminary as hereinabove stated, who has promised and promises to fulfil and execute the same to the full extent, according to their form and tenor; the titles, papers, registers, accounts and other deeds of the society shall be remitted into their hands, and they shall take charge of the same by inventory, and those that are now in the island of Montreal, concerning the said company, shall be likewise delivered to them or to those holding their order, by those who may be in possession of the same, on their giving a discharge therefor, the deed of donation of one hundred *livres* heretofore made by the said *sieur* de Faucamp, for the establishment of the *cure* of Montreal aforesaid, on the nineteenth day of april, one thousand six hundred and fifty seven, passed before Gauthier and his colleague, notaries, shall be of no effect, with the consent of the said gentlemen associates and the said gentlemen of the seminary, in so far as concerns them, inasmuch as the same has not been fulfilled, and on account of the changes made in the state of things by these presents. At the execution of these presents appeared the said Demoiselle Jeanne Mance, administratrix of the hospital of Montreal aforesaid, who in so far as she is concerned and in her said quality, has declared herself satisfied with these presents and consents in all that regards her, concerning the said hospital, that they shall have their full and entire effect.

The present deed shall be *insinué* and enregistered wherever the same shall require so to be and the bearer hereof is hereby constituted attorney for that purpose. And for the execution hereof the said gentlemen of the seminary have elected their permanent domicile in this city of Paris, in the said house of the seminary, at which place, etc., promising, etc., obliging each one in his own right, etc., renouncing, etc.

Done and passed, namely : by the said gentlemen of the Seminary, Garibal, Duplessis, Drouart, abbé de Locdieu, et de Faucamp, in the said house of the Seminary hereinabove mentioned, and by the said *sieur* de Morangis at his domicile above mentioned in the year one thousand six hundred and sixty three, the ninth day of march, in the forenoon, who have signed the *minute* of these presents remaining in the office of Levasseur, the younger one of the undersigned notaries.

LEFRANC ET LEVASSEUR,
With *paraphes*.

*Establishment of a Seminary in the Island of
Montreal, and constituting in mortmain
the Seigniory of the said Island. 1677.*

LOUIS, by the Grace of God, King of France and Navarre, to all whom it may concern, greeting:

The Ecclesiastics of the Seminary of Saint Sulpice of the faubourg Saint Germain, lez Paris, have most humbly memorialized us, that Sieur de Faucamp, de Quélus, abbé de Locdieu, de Garibal, de Morangis, Duplessis and Drouart have made donation to them, by contract of the ninth day of March one thousand six hundred and sixty three, of the Seigniory of the Island of Montreal in New France, with all its appurtenances and dependencies, where they have sent priests, who have labored for the conversion of the indians with so much success, that they have been invited to send out others, to the number of fourteen, who might establish a community there, if it pleased us to grant our letters necessary therefor.

For said reasons, being well informed that we can do nothing more advantageous for the propagation of the faith, and for the establishment of the christian religion in our states of New France, and wishing to *treat* the said memorialists *favorably*, we have permitted, and do by these presents signed by our hand, permit them to erect a community and Seminary of ecclesiastics in the said Island of Montreal *there to attend*, according to their intentions, conformably to the holy councils of the Church and the ordinances of

this Kingdom, to the *conversion and instruction* of our subjects, and to pray God for us and our successors Kings, and for the peace of the church and of our state ; and the more to facilitate the said establishment, we have found praiseworthy, allowed and approved, and do find praiseworthy, allow and approve the said donation conveyed by the contract of the said ninth day of March one thousand six hundred and sixty three, hereunto annexed, under the counter seal of our chancery, and of our most ample grace, have *amorti et amortissons*, declared and do declare to be held in mortmain, forever, the said land and seigniory of Montreal *as dedicated and consecrated to God*, desire that it be forever part and parcel of their society, without the power, to any one of them in particular, to mortgage, hypothecate, or alienate the same, for any cause or reason whatsoever, to be enjoyed by the said seminary and community and by their successors, freely and fully, without obligation to dispossess themselves of the same, nor to pay us fealty and homage (*nous bailler homme vivant et mourant*) nor to pay to us nor the Kings our successors, any moneys and indemnity, rights of franc *fiefs* and *nouveaux acquets*, and other rights of which we have freed and do free them, and to whatever sum they may amount. We, hereby by these presents, make gift to them of the same, under the obligation of paying the indemnities and other rights that may be due to other seigniors than ourselves.

So that we command our beloved and trusted members of our sovereign council at Quebec, and to all our other officers to whom it may appertain, that they cause these presents to be registered, and the

contents thereof, that the said ecclesiastics of the said seminary and their successors do enjoy fully, peaceably and in perpetuity, ceasing and causing to cease all troubles and hindrances. For such is our pleasure. And in order that it may be and remain undisturbed for ever, we have caused our seal to be affixed to these presents.

Given at St. Omer, in the month of Ma^y, in the year of grace, one thousand six hundred and seventy seven and the thirty fourth of our reign.

LOUIS.

And on the margin is written.

By the King,

COLBERT,
with paraphe.

and along side is written *visa* Daligre, for the establishment of a seminary in New France, in favor of the Ecclesiastics of the Seminary of Saint Sulpice.

COLBERT.

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